

Exhibit 4

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CHICAGO TRANSIT AUTHORITY,
vs.
CHRISTOPHER GEORGE PABLE,
Counter-Plaintiff,
Counter-Defendant.

The Deposition of MICHAEL HAYNES,
called by the Defendants for examination, pursuant
to Notice and pursuant to the Federal Rules of Civil
Procedure for the United States District Courts,
taken before Victoria D. Rocks, CSR, and Notary
Public in and for the County of Cook, State of
Illinois, held remotely, commencing at 9:00 o'clock
a.m., on the 16th day of March 2021, A.D.

<p>1 APPEARANCES:</p> <p>2 LAW OFFICE OF TIMOTHY A. DUFFY 3 MR. TIMOTHY A. DUFFY 4 725 West Orchard Circle Lake Forest, Illinois 60093 Tduffy@tduffylaw.com</p> <p>5 appeared on behalf of the Plaintiff;</p> <p>6 TAFT STETTINIUS & HOLLISTER, LLP 7 MS. ELIZABETH BABBITT 8 MS. ALLISON CZERNIAK MS. NICOLLETTE KHUANS 9 111 E. Wacker Drive, Suite 2800 Chicago, Illinois 60601 ebabbitt@taftlaw.com</p> <p>10 appeared on behalf of the Defendant, CTA;</p> <p>11 SMITHAMUNDSEN MR. STEVEN JADOS 12 MS. JULIE FRIEDLANDER 3815 E. Main Street 13 Suite A-1 St. Charles, Illinois 60174 sjados@salawus.com</p> <p>14 appeared on behalf of the Defendant, Clever Devices, Ltd.;</p> <p>15 LADUZINSKY & ASSOCIATES, PC MR. STEVEN LADUZINSKY 216 S. Jefferson Street, Suite 301 Chicago, Illinois 60661 sladuzinsky@laduzinsky.com</p> <p>16 appeared on behalf of Michael Haynes.</p>	Page 2	<p>1 THE VIDEOGRAPHER: We are now on the record.</p> <p>2 Today's date is March 16, 2021, and the time on the</p> <p>3 monitor is 9:10 a.m.</p> <p>4 This is a remote video deposition of Michael</p> <p>5 Haynes in the matter of Christopher George Pable</p> <p>6 versus Chicago Transit Authority and Clever Devices,</p> <p>7 Ltd. filed at the United States District Court for</p> <p>8 the Northern District of Illinois, Eastern Division,</p> <p>9 case number 19 CV 7868.</p> <p>10 The court reporter is Victoria Rocks, and I</p> <p>11 am the videographer, Michael Alexander, both with</p> <p>12 Veritext Midwest. Beginning with the noticing</p> <p>13 attorney, counsel and all present please state your</p> <p>14 appearances and affiliations for the record.</p> <p>15 MS. BABBITT: Good morning. My name is</p> <p>16 Elizabeth Babbitt, B-a-b-b-i-t-t, on behalf of the</p> <p>17 Chicago Transit Authority.</p> <p>18 MS. CZERNIAK: Allison Czerniak,</p> <p>19 C-z-e-r-n-i-a-k, also appearing on behalf of the</p> <p>20 Chicago Transit Authority.</p> <p>21 MS. KHUANS: Nicollette Khuans, K-h-u-a-n-s</p> <p>22 also appearing on behalf of CTA.</p> <p>23 MR. JADOS: Steven Jados, J-a-d-o-s, of</p> <p>24 SmithAmundsen for defendant, Clever Devices.</p>	Page 4																																										
<p>1 I-N-D-E-X</p> <p>2</p> <p>3 WITNESS: MICHAEL HAYNES</p> <p>4 Direct Examination by MS. BABBITT: 8 - 238</p> <p>Cross-Examination by MR. JADOS: 238 - 256</p> <p>5 Cross-Examination by MR. DUFFY: 256 - 277</p> <p>6</p> <table> <thead> <tr> <th>EXHIBITS</th> <th>PAGE</th> </tr> </thead> <tbody> <tr> <td>Exhibit 1 email July 5th</td> <td>57</td> </tr> <tr> <td>Exhibit 2 email 7-28-12</td> <td>62</td> </tr> <tr> <td>Exhibit 39 excerpt of web history</td> <td>88</td> </tr> <tr> <td>Exhibit 3 email 8-17-17</td> <td>94</td> </tr> <tr> <td>Exhibit 4 email 8-20-18</td> <td>102</td> </tr> <tr> <td>Exhibit 5 email 8-20-18</td> <td>108</td> </tr> <tr> <td>Exhibit 8 Harrington email</td> <td>118</td> </tr> <tr> <td>Exhibit 9 email 8-24-18</td> <td>121</td> </tr> <tr> <td>Exhibit 10 email</td> <td>123</td> </tr> <tr> <td>Exhibit 40 email 8-31-18</td> <td>128</td> </tr> <tr> <td>Exhibit 41 email 8-31-18</td> <td>132</td> </tr> <tr> <td>Exhibit 13 email 10-22-18</td> <td>161</td> </tr> <tr> <td>Exhibit 15 employee ethics act</td> <td>164</td> </tr> <tr> <td>Exhibit 17 email 10-24-18</td> <td>169</td> </tr> <tr> <td>Exhibit 46 email 10-24-18</td> <td>175</td> </tr> <tr> <td>Exhibit 47 email</td> <td>176</td> </tr> <tr> <td>Exhibit 26 phone messages</td> <td>201</td> </tr> <tr> <td>Exhibit 36 email 12-6-18</td> <td>217</td> </tr> <tr> <td>Exhibit 49 text messages</td> <td>218</td> </tr> <tr> <td>Exhibit 33 email 11-20-18</td> <td>222</td> </tr> </tbody> </table> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	EXHIBITS	PAGE	Exhibit 1 email July 5th	57	Exhibit 2 email 7-28-12	62	Exhibit 39 excerpt of web history	88	Exhibit 3 email 8-17-17	94	Exhibit 4 email 8-20-18	102	Exhibit 5 email 8-20-18	108	Exhibit 8 Harrington email	118	Exhibit 9 email 8-24-18	121	Exhibit 10 email	123	Exhibit 40 email 8-31-18	128	Exhibit 41 email 8-31-18	132	Exhibit 13 email 10-22-18	161	Exhibit 15 employee ethics act	164	Exhibit 17 email 10-24-18	169	Exhibit 46 email 10-24-18	175	Exhibit 47 email	176	Exhibit 26 phone messages	201	Exhibit 36 email 12-6-18	217	Exhibit 49 text messages	218	Exhibit 33 email 11-20-18	222	Page 3	<p>1 MS. FRIEDLANDER: Julie Friedlander,</p> <p>2 F-r-i-e-d-l-a-n-d-e-r, counsel for Clever Devices.</p> <p>3 MR. LADUZINSKY: Steven Laduzinsky,</p> <p>4 L-a-d-u-z-i-n-s-k-y, on behalf of Michael Haynes.</p> <p>5 MR. DUFFY: And Timothy Duffy on behalf of the</p> <p>6 plaintiff, Christopher Pable. I don't think Jesseka</p> <p>7 said anything.</p> <p>8 MS. GREEN: Jesseka, J-e-s-s-e-k-a, G-r-e-e-n,</p> <p>9 for Clever Devices.</p> <p>10 THE VIDEOGRAPHER: You may proceed.</p> <p>11 MS. BABBITT: Good morning. As I said, my name</p> <p>12 is Elizabeth Babbitt. Thanks for joining us today.</p> <p>13 Are you able to hear me?</p> <p>14 THE WITNESS: Yes, I can.</p> <p>15 MS. BABBITT: Great. And have you ever been</p> <p>16 deposed before, Mr. Haynes?</p> <p>17 THE WITNESS: Yes, I have.</p> <p>18 MS. BABBITT: How many times have you been</p> <p>19 deposed before?</p> <p>20 THE WITNESS: I am going to guess about a</p> <p>21 dozen.</p> <p>22 MS. BABBITT: We might talk about some of those</p> <p>23 matters in a bit. I want to make sure we're going</p> <p>24 over the same ground rules that you might be</p>	Page 5
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<p>1 familiar with.</p> <p>2 Have you ever been deposed over Zoom?</p> <p>3 THE WITNESS: No, I have not.</p> <p>4 MS. BABBITT: So it is a little bit different,</p> <p>5 as you could imagine. We have got a lot of</p> <p>6 attorneys here and, of course, we have our court</p> <p>7 reporter, who is going to be taking down all of my</p> <p>8 questions and all of your answers. So we'll need to</p> <p>9 make sure that we don't speak over each other.</p> <p>10 So I will ask that you wait until I finish a</p> <p>11 question before you provide an answer. You may also</p> <p>12 hear objections from attorneys, and you want to make</p> <p>13 sure they are able to get those on the record as</p> <p>14 well.</p> <p>15 So you will need to speak up and make all of</p> <p>16 your answers verbally so the court reporter is able</p> <p>17 to take those answers down. Is that fair?</p> <p>18 THE WITNESS: Understood.</p> <p>19 MS. BABBITT: So that means you won't use</p> <p>20 uh-huh, uh-uh or nod your head. You understand?</p> <p>21 THE WITNESS: I understand.</p> <p>22 MS. BABBITT: If you need a break at any time I</p> <p>23 would ask that you wait until you have answered a</p> <p>24 question. And, in other words, don't have a</p>	<p style="text-align: right;">Page 6</p> <p>1 MICHAEL HAYNES,</p> <p>2 called as a witness herein, having been first duly</p> <p>3 sworn, was examined upon oral interrogatories and</p> <p>4 testified as follows:</p> <p>5 DIRECT EXAMINATION</p> <p>6 BY MS. BABBITT:</p> <p>7</p> <p>8 Q. Where are you right now?</p> <p>9 A. I am in Mr. Steve Laduzinsky's conference</p> <p>10 room in Chicago, Illinois.</p> <p>11 Q. And what device are you using to</p> <p>12 participate in this deposition?</p> <p>13 A. There's a Mac book and an Owl camera</p> <p>14 attached to it.</p> <p>15 Q. Do you have any other devices with you</p> <p>16 right now?</p> <p>17 A. I have two cell phones sitting on the</p> <p>18 table. One is a work phone, and one is my personal</p> <p>19 phone. Both are on silent.</p> <p>20 Q. I would ask that you don't communicate</p> <p>21 with anyone during the course of this deposition</p> <p>22 aside from your attorney unless we're on a break.</p> <p>23 Is that fair?</p> <p>24 A. Understood.</p>
<p>1 question pending and then ask for a break.</p> <p>2 Aside from that if you need a break at any</p> <p>3 time let me know. Okay?</p> <p>4 THE WITNESS: Understood.</p> <p>5 MS. BABBITT: Do you understand that you are</p> <p>6 under oath, and you must tell the truth in this</p> <p>7 deposition?</p> <p>8 THE WITNESS: I do.</p> <p>9 MS. BABBITT: You understand that you are</p> <p>10 obligated to tell the truth just as if you were</p> <p>11 sworn in under oath and sitting in a federal</p> <p>12 courthouse?</p> <p>13 THE WITNESS: I do.</p> <p>14 MS. BABBITT: If I ask a question that you do</p> <p>15 not understand, I will expect you to tell me that</p> <p>16 you don't understand it or ask me to rephrase. Is</p> <p>17 that fair?</p> <p>18 THE WITNESS: Fair.</p> <p>19 MS. BABBITT: Otherwise, I'm going to assume</p> <p>20 you understood the question as I asked it. Is that</p> <p>21 all right?</p> <p>22 THE WITNESS: Correct.</p> <p>23</p> <p>24</p>	<p style="text-align: right;">Page 7</p> <p>1 Q. Is there anyone else in the room with you</p> <p>2 right now aside from your attorney?</p> <p>3 A. Not at the moment.</p> <p>4 Q. Have you taken any medications in the last</p> <p>5 24 hours?</p> <p>6 A. Yes.</p> <p>7 Q. Any medication that could impact your</p> <p>8 ability to testify in any way today?</p> <p>9 A. No.</p> <p>10 Q. Is there any reason that you wouldn't be</p> <p>11 able to give full, complete and truthful testimony</p> <p>12 as you sit here today?</p> <p>13 A. No, there is no reason that I could not</p> <p>14 give full and complete testimony as I sit here</p> <p>15 today.</p> <p>16 Q. Great. Do you have any written or</p> <p>17 electronic information with you as you sit in the</p> <p>18 deposition right now?</p> <p>19 A. No.</p> <p>20 Q. You understand that aside from the</p> <p>21 exhibits I share with you, you are not permitted to</p> <p>22 consult any materials whether on your phone or</p> <p>23 computer as we're in the deposition?</p> <p>24 A. Understood. I brought an old resume to</p>

<p style="text-align: right;">Page 10</p> <p>1 help jog my memory, if that is something we need to 2 discuss.</p> <p>3 Q. Fair enough. If we do I'll ask you, and 4 you could look at it then. Fair enough?</p> <p>5 A. Yes.</p> <p>6 Q. You said that you had been deposed I think 7 you said about a dozen times before?</p> <p>8 A. Probably. Trial twice. Maybe a half 9 dozen to a dozen at least.</p> <p>10 Q. Were those civil lawsuits or depositions 11 then?</p> <p>12 A. Every deposition I have ever given it was 13 on behalf of the CTA related to my role at the 14 Chicago Transit Authority.</p> <p>15 Q. When was the last deposition you gave, if 16 you recall, approximately?</p> <p>17 A. It would have been 2018, probably spring 18 or summer of 2018 would be the best recollection.</p> <p>19 Q. Were you ever named as a party in any of 20 those lawsuits?</p> <p>21 A. Never.</p> <p>22 Q. Have you ever brought a lawsuit yourself?</p> <p>23 A. No, I have not.</p> <p>24 Q. In those lawsuits, were any of those</p>	<p style="text-align: right;">Page 12</p> <p>1 materials that you produced in response to the 2 subpoena, are you referring to the e-mails and the 3 text message information that you produced?</p> <p>4 A. Yes. But, as I said, I haven't looked at 5 them since October, November when I produced them 6 for you at that time.</p> <p>7 Q. Understood. And did you do anything else 8 to prepare for the deposition?</p> <p>9 A. I tried to stay calm.</p> <p>10 Q. And who have you spoken to about this 11 deposition?</p> <p>12 A. My wife. I think I mentioned it to my dad 13 and my attorney.</p> <p>14 Q. No one aside from those three individuals?</p> <p>15 A. Not to my knowledge that I have said 16 anything. In fact, at work I said I was taking a 17 personal business day. I haven't really disclosed 18 anything that I was taking a deposition today.</p> <p>19 Q. When was the last time you communicated 20 with Mr. Pable?</p> <p>21 A. A text message through the Signal app. 22 Perhaps last week I think he sent me a joke or 23 something. We're friends. So some light 24 communication.</p>
<p style="text-align: right;">Page 11</p> <p>1 lawsuits relating to an employee or a former 2 employee of the CTA suing the CTA?</p> <p>3 A. No.</p> <p>4 Q. How did you prepare for this deposition?</p> <p>5 A. I reviewed the complaint as filed on the 6 Pacer federal records documentation site.</p> <p>7 I think there was about, I don't know, 8 about a 15 page document. I reviewed that. I 9 reviewed some resumes. I reviewed my old job 10 description, which I also have as a printed copy in 11 case it's necessary and just kind of thought through 12 events of the past to refresh my memory and try to 13 center myself to the conversation and topic at hand.</p> <p>14 Q. I think you said you reviewed the 15 complaint in this case. You reviewed an old job 16 description and reviewed a resume that you had of 17 yourself.</p> <p>18 Did you review anything else?</p> <p>19 A. Other than the stuff that I prepared I 20 believe back in November, October or November 21 subject to the production subpoena. I did not 22 review any of that additional material in detail to 23 prepare for today.</p> <p>24 Q. So when you say you reviewed those</p>	<p style="text-align: right;">Page 13</p> <p>1 I have not had any face to face 2 communication with Mr. Pable. The last time would 3 have been October of 2020. We met for lunch.</p> <p>4 Q. You said you exchanged a text message 5 through the Signal application with Mr. Pable, is 6 that right?</p> <p>7 A. Correct.</p> <p>8 Q. And when you text message with Mr. Pable, 9 have you texted about anything that is the subject 10 of this lawsuit?</p> <p>11 A. Yes.</p> <p>12 Q. Yes, you have?</p> <p>13 A. Yes, I have.</p> <p>14 Q. All right. When was the last time you 15 messaged with Mr. Pable about the subject of this 16 lawsuit?</p> <p>17 A. Probably last week. He was indicating who 18 was being deposed next or that sort of thing.</p> <p>19 Q. What else has Mr. Pable communicated with 20 you about via text message regarding this lawsuit 21 that you can recall?</p> <p>22 A. Well, all the messages would have been 23 through the Signal app. And there's no history of 24 them past 24 hours. The messages self erase.</p>

<p style="text-align: right;">Page 14</p> <p>1 Any of the conversations would have been 2 very on the surface who was being deposed, just 3 general sort of status of checking in on how this 4 whole process is going for him.</p> <p>5 Q. Did Mr. Pable provide you with any 6 information about testimony you should give here 7 today?</p> <p>8 A. No.</p> <p>9 Q. Did Mr. Pable ever communicate with you 10 about this litigation aside from using the Signal 11 text messaging?</p> <p>12 A. No. Other than in person and again the 13 last time we were in person was October 22, 14 somewhere in there, in 2020.</p> <p>15 And before that would have been probably 16 a year prior, if not at least early 2020 at the most 17 recent.</p> <p>18 Q. When you met with Mr. Pable I think you 19 said in October of 2020, you discussed this 20 litigation at that time?</p> <p>21 A. And the subject came up we were meeting 22 for a friendly lunch. I don't recall the details of 23 our conversation other than at that time checking in 24 on what he was talking about, what was going on and</p>	<p style="text-align: right;">Page 16</p> <p>1 Mr. Pable and I initially communicated via Google 2 Hangouts and then Google Hangouts sort of stopped or 3 went away.</p> <p>4 And Chris was always sort of adverse to 5 text messaging, regular SMS messaging. So at one 6 point he told me about the Signal app. I can't 7 remember whether it was two phones ago or three 8 phones ago at this point.</p> <p>9 And I used that app exclusively to 10 communicate with Mr. Pable. And again, I kind of 11 can't remember the exact time or date that I started 12 using that app to communicate with Mr. Pable.</p> <p>13 Q. Did Mr. Pable suggest that you use the 14 Signal messaging application?</p> <p>15 A. Yes.</p> <p>16 Q. And do you use the Signal messaging 17 application to communicate with anyone else?</p> <p>18 A. No. I believe at the time I did use the 19 Signal app to communicate with some others, but 20 really the Signal app was an app that was used to 21 communicate with Mr. Pable.</p> <p>22 Q. I mentioned that you had produced in 23 response to the subpoena the Signal message log, 24 right?</p>
<p style="text-align: right;">Page 15</p> <p>1 the progress of it.</p> <p>2 Q. Do you recall anything about what 3 Mr. Pable shared in that lunch regarding this case?</p> <p>4 A. Just that depositions were being set up in 5 early May or coming up in a few months. I think 6 that was October.</p> <p>7 So some of the materials had just been 8 provided. I think kind of his status and his 9 thoughts on how the progress was going. Obviously, 10 I'm interested in the case. I don't have a vested 11 interest, but I am interested in it from the 12 standpoint of knowing when I would have to appear 13 and that sort of thing.</p> <p>14 Q. And did you discuss or communicate in any 15 way with Mr. Pable about the materials you produced 16 in response to the subpoena you were issued?</p> <p>17 A. I think I mentioned that I found a Signal 18 message log and turned that over as well as e-mails.</p> <p>19 Q. Any other conversations or communications 20 about that with Mr. Pable?</p> <p>21 A. No.</p> <p>22 Q. When did you start using Signal as a 23 messaging application?</p> <p>24 A. I don't know exactly when. I know that</p>	<p style="text-align: right;">Page 17</p> <p>1 A. Correct.</p> <p>2 Q. Do you recall how far back the Signal 3 message log went?</p> <p>4 A. Yes. It would have gone until -- it would 5 have started. There's an exhibit. I don't have it 6 in front of me, but the top one was a message 7 somewhere in the vicinity of the day that we were 8 both brought in for questioning by the CTA.</p> <p>9 I remember and vividly recall meeting at 10 a Starbucks before we both got brought in for 11 conversations with the CTA. Presumably interviews.</p> <p>12 We were on a two week paid suspension, 13 administrative leave they called it. And in that 14 Starbucks I believe I said fine, purge all old 15 messages from that moment backwards. CTA had not 16 told either of us the subject matter of any 17 investigation.</p> <p>18 There was no protective order. There 19 was no discussion. Nothing was communicated, and we 20 just felt we don't need any of these old 21 conversations, and I believe that those 22 conversations were already not on Mr. Pable's phone. 23 But there was old conversations on my phone, and we 24 deleted those.</p>

<p style="text-align: right;">Page 18</p> <p>1 And from that moment forward there's a 2 message log. And that was the message log that I 3 found as a backup on an old phone and was able to 4 restore that as a text dump on my computer, my 5 personal laptop and extract out those messages and 6 their raw content.</p> <p>7 I believe that at some point in our 8 signal history, Mr. Pable sent what's called 9 disappearing messages such that any communication on 10 either side would automatically delete from both 11 logs, both the sender and the receiver log 24 hours 12 after eyeballs are on it.</p> <p>13 So the body of messages that I was able 14 to produce was from a period of the day of my 15 ultimate untimely CTA termination and some point 16 when Mr. Pable turned on that disappearing message 17 feature.</p> <p>18 Q. I see. Okay. That was helpful and a lot 19 of information. So I am going to try to unpack it a 20 little bit.</p> <p>21 You mentioned that you and Mr. Pable I 22 think met at a Starbucks right around the time you 23 were placed on administrative leave from the CTA. 24 Is that right?</p>	<p style="text-align: right;">Page 20</p> <p>1 on leave and made the decision to purge all the 2 messages that were on your phone, is that correct?</p> <p>3 A. I made a decision to purge the messages 4 that remained on my phone.</p> <p>5 Q. And that was after you had been given 6 notice that you were being placed on administrative 7 leave?</p> <p>8 A. Correct.</p> <p>9 Q. Was that meeting at the Starbucks where 10 you purged your phone, was that before you resigned 11 in lieu of termination from the CTA?</p> <p>12 A. Hour before.</p> <p>13 Q. So that same day before you actually were 14 resigning in lieu of termination from the CTA that 15 is when you determined to purge your phone?</p> <p>16 A. Yes.</p> <p>17 Q. Was anyone else present when you were 18 meeting at the Starbucks and electing to purge your 19 phone?</p> <p>20 A. No. It was a personal meeting between 21 Mr. Pable and myself in advance of walking into the 22 CTA for what amounted to be separate interrogations.</p> <p>23 I might add that no information was 24 provided to me about the context of the paid</p>
<p style="text-align: right;">Page 19</p> <p>1 A. We had met continuously throughout that 2 two weeks. As you might imagine when you and a 3 colleague are let go for unknown reasons and placed 4 on paid administrative leave, you tend to talk and 5 have conversations with your friends to cope and 6 manage with the stress of that.</p> <p>7 So we met several times over those two 8 weeks of paid administrative leave, and we were both 9 subsequently summoned to the CTA offices for what 10 was billed as an interview. And that was the 11 interviewed that I then was ultimately either 12 terminated or I chose to resign from the CTA.</p> <p>13 And prior to meeting at the CTA, we did 14 meet and console each other at a Starbucks that we 15 frequented and discussed what could they possibly be 16 asking us. There was no information provided. And 17 so at that moment prior messages on the Signal app 18 were deleted.</p> <p>19 Q. So again, that is helpful. We're going to 20 get into a lot of that as you can imagine in greater 21 detail.</p> <p>22 I guess I want to focus on what you said 23 a few answers ago, which was it sounded like you and 24 Mr. Pable met at a Starbucks after you were placed</p>	<p style="text-align: right;">Page 21</p> <p>1 administrative leave. So there really was no 2 information about what this was about. So I just 3 felt, you know, the CTA had ample time during the 4 two weeks of internal investigation while myself and 5 Mr. Pable were on paid administrative leave.</p> <p>6 They had ample time to notify me that 7 relevant communications should be kept. And no 8 information was provided to me about the context of 9 the investigation. So I chose to delete all 10 personal communications that I had from my personal 11 device to Mr. Pable's personal device.</p> <p>12 Q. So when you did that purge, was that just 13 purging the communications that you had exchanged 14 with Mr. Pable or was it a purging of your phone 15 entirely?</p> <p>16 A. It was a purging of my communications with 17 Mr. Pable via the Signal app.</p> <p>18 Q. So you had already been using the Signal 19 app at that point in time, around the time you were 20 placed on administrative leave?</p> <p>21 A. Yes. I believe in a prior question we 22 already established that we don't know when I 23 started to use the Signal app, but it had been well 24 in advance of this, possibly a year or two at least</p>

<p style="text-align: right;">Page 22</p> <p>1 which would be whenever I stopped using Google 2 Hangouts to communicate with Mr. Pable, and we 3 started using the Signal app.</p> <p>4 I believe in my subpoenaed materials the 5 last ever message from Google Hangouts is provided. 6 So you could look at that production and identify 7 the last date of communication with Google Hangouts 8 would be the start date of communication with the 9 Signal app.</p> <p>10 Q. So when you determined, you said you're 11 sitting there, and you decided you were going to 12 purge the communications you had had with Mr. Pable 13 and that was purging off of the Signal App, right?</p> <p>14 A. Correct.</p> <p>15 Q. Did Mr. Pable ask you to do that?</p> <p>16 A. I don't recall if he asked me directly or 17 if it was a joint decision or if it was just a fit 18 of I am very mad that the CTA has placed me on paid 19 administrative leave for two weeks with no 20 information during that period of two weeks and is 21 now bringing me in for an interview of interrogation 22 of no explanation, at which I was ultimately 23 terminated. I had in my possession at that time a 24 resignation letter assuming that this was going to</p>	<p style="text-align: right;">Page 24</p> <p>1 personal and without any information as to what this 2 interrogation that I was walking into was related. 3 So there was nothing communicated to me for any kind 4 of preservation.</p> <p>5 Q. What phone were you using at the time that 6 you purged it in 2018?</p> <p>7 A. It was whatever the phone was before the 8 phone that I have now, which I used until sometime 9 in December of I think 2019, I think I got a new 10 phone.</p> <p>11 The phone that I am currently using I 12 believe I got in 2019. I do not know when I started 13 using the prior phone, but the phone prior to this 14 phone would have been the phone in question. And I 15 hope that answers your question.</p> <p>16 Q. So you don't know the model or what sort 17 of phone you had prior to the one you are using 18 right now?</p> <p>19 A. It was a Motorola Android phone. I have 20 always used Android phones. Generally they have 21 been Motorola. I'm pretty sure. My current phone 22 is a Motorola, and my last phone was a Motorola.</p> <p>23 I don't remember or waste time 24 remembering model numbers of my phones.</p>
<p style="text-align: right;">Page 23</p> <p>1 go the worst.</p> <p>2 Q. And so you don't recall then if Mr. Pable 3 asked you to purge your phone?</p> <p>4 A. I do not recall if it was a direct request 5 or a joint decision or even if it was just a 6 personal decision of myself, screw it, I am deleting 7 all these messages.</p> <p>8 Nobody told what this interrogation is 9 about and what this is all about. We both put on 10 paid administrative leave on the same day for an 11 undetermined and unknown reason. And I felt they 12 had ample time to tell me to maintain communications 13 during a specified period and to discuss the matter 14 of what we were being interrogated for.</p> <p>15 That was not taken. I believe anyone in 16 a position of frustration would do the same.</p> <p>17 Q. Were there any communications that you 18 purged from that phone that you were concerned the 19 CTA might review if they had access to it?</p> <p>20 A. No, because I had no knowledge of what the 21 CTA was actually after at that moment. And they had 22 ample time if they needed to state that that was the 23 subject of that.</p> <p>24 And I felt that those conversations were</p>	<p style="text-align: right;">Page 25</p> <p>1 Q. Do you still have that phone in your 2 possession?</p> <p>3 A. At my house. It's been -- I cleaned it 4 off because I was planning to use it for the kids. 5 It's basically an empty phone.</p> <p>6 I transferred the content of the phone 7 to my new phone at that time when I switched phones. 8 Like I said, I used that old phone. I had a backup 9 of those signal messages on that old phone and was 10 able to restore a bio off that old phone in order to 11 produce the materials requested by the production 12 subpoena of October of 2020.</p> <p>13 Q. Where do you live, Mr. Haynes?</p> <p>14 A. [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 Q. Are you married?</p> <p>17 A. Yes.</p> <p>18 Q. And to whom are you married?</p> <p>19 A. Trinity Mary Zevallos.</p> <p>20 Q. Can you spell that?</p> <p>21 A. Her maiden name is Z-e-v-a-l-l-o-s.</p> <p>22 Q. When did you get married?</p> <p>23 A. October 13, 2007.</p> <p>24 Q. I think you said you mentioned kids. Do</p>

<p>1 you have children?</p> <p>2 A. I do.</p> <p>3 Q. How many?</p> <p>4 A. Two.</p> <p>5 Q. I'm sorry, could you say that again. I 6 think you cut out.</p> <p>7 A. Two children. I have two children.</p> <p>8 Q. Do you live in your home with your wife 9 and your two children?</p> <p>10 A. Yes, I do.</p> <p>11 Q. Does anyone else live with you?</p> <p>12 A. No, they do not.</p> <p>13 Q. And how old are you, Mr. Haynes?</p> <p>14 A. Forty three.</p> <p>15 Q. What degrees do you hold?</p> <p>16 A. I have a bachelors of science in civil 17 engineering from Lafayette College, 18 L-a-f-a-y-e-t-t-e, in Easton, Pennsylvania.</p> <p>19 And I have a masters of science and 20 transportation engineering from the University of 21 Texas at Austin.</p> <p>22 Q. When did you get your bachelors degree?</p> <p>23 A. In 1999. I'm sorry, the masters degree 24 was December of 2000. The undergrad was 1999.</p>	<p>Page 26</p> <p>1 Q. Do you recall when you began working at 2 the CTA?</p> <p>3 A. September 30, 2002.</p> <p>4 Q. What job were you hired into at the CTA?</p> <p>5 A. Project coordinator APC slash IT in the 6 planning department.</p> <p>7 Q. How long were you in that department for?</p> <p>8 A. I believe until 2004. At some point in 9 the planning department I was promoted to project 10 manager.</p> <p>11 Before then taking a position in the IT 12 department, a lateral move. Also project manager 13 and that I believe was around 2004.</p> <p>14 Q. It might make things quicker and perhaps 15 easier on your memory if we start in reverse order. 16 So can you remind us of what your last title that 17 you held at the CTA was?</p> <p>18 A. Working backwards, my last title at the 19 CTA was manager transit systems support.</p> <p>20 Q. How long were you in that role?</p> <p>21 A. I believe that that role started in 2015, 22 early 2015.</p> <p>23 Q. And you remained in that role from 2015 24 through 2018?</p>
<p>1 Q. So a bachelors degree in 1999 and masters 2 in 2000, you said?</p> <p>3 A. Correct.</p> <p>4 Q. Do you hold any other professional 5 certifications?</p> <p>6 A. No, I do not.</p> <p>7 Q. Where are you currently employed?</p> <p>8 A. I am currently employed by Transdev North 9 America based in Lombard, Illinois.</p> <p>10 Q. How long have you worked there?</p> <p>11 A. I started there in May of 2019.</p> <p>12 Q. What is your role there?</p> <p>13 A. I am the director of business improvement.</p> <p>14 Q. I know you ended your employment with the 15 CTA obviously in November of 2018. Any employment 16 between the CTA and picking up your role at 17 Transdev?</p> <p>18 A. I was on unemployment and received 19 unemployment compensation from the time I left CTA 20 to the time I started with Transdev Services North 21 America.</p> <p>22 Q. Do you maintain any other secondary 23 employment?</p> <p>24 A. No, I do not.</p>	<p>Page 27</p> <p>1 A. Correct.</p> <p>2 Q. What was the title that you held before 3 you were the manager in transit support systems or 4 systems support rather?</p> <p>5 A. There was a point where I was senior 6 project manager. I don't know the exact year, but 7 somewhere along the line there was a reorganization. 8 Basically everybody lost their jobs and go to 9 reapply for these positions, that kind of game that 10 occurred.</p> <p>11 At some year prior to that, again, if I 12 pull up my resume I could give you those exact 13 years. So the senior project manager and prior to 14 that was project manager. And prior to that was 15 project manager in the planning department and then 16 we're back to the first job project coordinator APC 17 in the planning department. So four total titles.</p> <p>18 Q. Perfect. So in that role that you had 19 from 2015 to 2018, did you supervise Christopher 20 Pable in that period of time?</p> <p>21 A. Yes, I did.</p> <p>22 Q. Did you supervise anyone else aside from 23 Mr. Pable during that period of time?</p> <p>24 A. Yes, I did.</p>

<p style="text-align: right;">Page 30</p> <p>1 Q. Could you tell me who else you supervised 2 while you were in that role?</p> <p>3 A. In that role I supervised two. And at one 4 time I believe there were three additional positions 5 that reported to me, both sort of programmer 6 analysts.</p> <p>7 I believe Chris was a programmer 8 analyst three. And I had a programmer analyst two. 9 And I don't recall the exact titles of everyone, but 10 I had about three staff, three positions. I think 11 that got cut down to two and a number of people in 12 and out of them.</p> <p>13 Q. Who did you supervise at the time you left 14 the CTA besides Mr. Pable, if anyone?</p> <p>15 A. Mr. Phil Vanasse, V-a-n-a-s-s-e, if I were 16 to suggest the spelling.</p> <p>17 Q. And do you recall how long you supervised 18 Mr. Vanasse?</p> <p>19 A. I do not. I believe it was about a year 20 and a half at the time of departure.</p> <p>21 Q. You supervised Mr. Pable. Was anyone else 22 a supervisor to Mr. Pable during the time of 2015 to 23 2018, a direct supervisor, I should say?</p> <p>24 A. No. The entire time that Mr. Pable was at</p>	<p style="text-align: right;">Page 32</p> <p>1 Q. And what e-mail addresses do you use or 2 maintain, Mr. Haynes?</p> <p>3 A. I have one personal e-mail, 4 mhaynes001@gmail.com.</p> <p>5 At one point I had an older hotmail 6 account, so mhaynes001@hotmail.com Years ago I set 7 that up to forward to the gmail. And I really never 8 looked back. So I have no access to the old 9 hotmail.com, which was years ago, decades ago 10 probably at this point. I have one e-mail address, 11 the gmail address.</p> <p>12 Q. So the hotmail account, fair to say you 13 never communicated with Mr. Pable to or from that 14 hotmail account?</p> <p>15 A. Very fair to say.</p> <p>16 Q. Any other e-mails that you use or 17 maintain?</p> <p>18 A. I have a work e-mail. 19 Michael.Haynes@transdev.com. Of course, I don't 20 maintain that. That is maintained by my current 21 employers.</p> <p>22 Q. Have you communicated with anyone about 23 this litigation in that e-mail account?</p> <p>24 A. Absolutely not.</p>
<p style="text-align: right;">Page 31</p> <p>1 the Chicago Transit Authority, I was his direct 2 supervisor.</p> <p>3 Q. And who did you report to from 2015 to 4 2018?</p> <p>5 A. I don't know exactly when Mr. Psomas 6 started, but I reported to a Mr. Jim Psomas, 7 P-s-o-m-a-s.</p> <p>8 Q. And you reported to him directly in 2018, 9 is that right?</p> <p>10 A. Correct.</p> <p>11 Q. Do you know who Mr. Psomas reported to?</p> <p>12 A. At the time in 2018, it would have been 13 Veronica Alanis. A-l -- I really can't remember the 14 last name.</p> <p>15 Q. I believe it's A-l-a-n-i-s. Does that 16 sound right?</p> <p>17 A. That sounds correct.</p> <p>18 Q. I think you mentioned obviously you had 19 your personal cell phone in 2018. Did you also have 20 a cell phone issued by the CTA?</p> <p>21 A. No, I never had a cell phone issued by the 22 CTA. I believe for a period of six months I had a 23 Blackberry issued to me for a little while and 24 returned that.</p>	<p style="text-align: right;">Page 33</p> <p>1 Q. And you produced a set of e-mails. I 2 think you touched on them earlier that appeared to 3 be from your gmail account mhaynes001 and that was 4 in response to a subpoena, is that right?</p> <p>5 A. Correct.</p> <p>6 Q. Are you the author of those e-mails that 7 you produced that came out of mhaynes001, if you 8 know?</p> <p>9 A. Yes, I am the only one with access to the 10 mhaynes001@gmail.com account.</p> <p>11 Q. Do you use any social media, Mr. Haynes?</p> <p>12 A. Yes.</p> <p>13 Q. What sort media do you use?</p> <p>14 A. I have a Facebook account, a Twitter 15 account, and a LinkedIn account.</p> <p>16 Q. What is your Twitter handle?</p> <p>17 A. Oh, gosh. I don't really know. I use it 18 to look at other things and news.</p> <p>19 Q. Have you ever posted on your Twitter 20 account regarding anything that is the subject of 21 this lawsuit?</p> <p>22 A. Absolutely not.</p> <p>23 Q. Have you ever posted on your Twitter 24 account about anything relating to the Chicago</p>

<p style="text-align: right;">Page 34</p> <p>1 Transit Authority?</p> <p>2 A. No. I was not even an active user of</p> <p>3 Twitter when I was there. I think I had set up the</p> <p>4 account while I was at the CTA, but I never posted</p> <p>5 anything. Maybe a picture of me or a picture of a</p> <p>6 bus. I would have to look.</p> <p>7 Q. What about Facebook. You said you had a</p> <p>8 Facebook account. Is that an account that you still</p> <p>9 actively use?</p> <p>10 A. Yes. I post very infrequently. Mostly to</p> <p>11 give family updates and some information.</p> <p>12 Occasionally, I will post a picture I think in a</p> <p>13 rare post I take a picture of myself and posted it,</p> <p>14 actually one of us.</p> <p>15 But I never posted anything on there that</p> <p>16 would have been related to this in any way.</p> <p>17 Q. By this you mean the subject of this</p> <p>18 lawsuit?</p> <p>19 A. Or even my departure from CTA.</p> <p>20 Q. Aside from posting on the social media</p> <p>21 platforms, have you ever exchanged communications</p> <p>22 about the CTA or about the subject of this lawsuit?</p> <p>23 A. Not to my knowledge. I mean like I said I</p> <p>24 discussed this with my father and my wife and my</p>	<p style="text-align: right;">Page 36</p> <p>1 A. I use the What's App application. I use</p> <p>2 that for exclusive communication with my wife, and</p> <p>3 there are a couple of groups we chat with,</p> <p>4 particularly because her brother lives out of the</p> <p>5 country. So this What's App works a lot better.</p> <p>6 So my inlaws and my brother-in-law and</p> <p>7 some groups that are on that What's App and some</p> <p>8 other friends.</p> <p>9 Q. And do you communicate with anyone who was</p> <p>10 ever an employee of the CTA on What's App?</p> <p>11 A. No, I don't. I never have.</p> <p>12 Q. Do you use the What's App or have you ever</p> <p>13 used the What's App to communicate about your</p> <p>14 departure from the CTA or the subject of this</p> <p>15 litigation?</p> <p>16 A. No.</p> <p>17 Q. So aside from Signal and What's App, I</p> <p>18 believe you mentioned that you used Google Hangouts</p> <p>19 until it died?</p> <p>20 A. I used Google Hangouts to communicate with</p> <p>21 Mr. Pable. That was the only function of Google</p> <p>22 Hangouts.</p> <p>23 I think I tried once or twice to video</p> <p>24 chat with my father and his grandchildren, one point</p>
<p style="text-align: right;">Page 35</p> <p>1 attorney here. And that is really it. And never</p> <p>2 via a social media platform to a broader audience.</p> <p>3 Never.</p> <p>4 Q. And you also mentioned you had a LinkedIn.</p> <p>5 The same questions there. Never posted or</p> <p>6 communicated about anything related to this lawsuit</p> <p>7 on your LinkedIn account?</p> <p>8 A. Absolutely not.</p> <p>9 Q. Do you use any other social media</p> <p>10 platforms?</p> <p>11 A. No.</p> <p>12 Q. Have you ever since 2018 to the present</p> <p>13 used any other social media platforms?</p> <p>14 A. No.</p> <p>15 Q. I'm sorry, say that again.</p> <p>16 A. From 2018 to present no, no other social</p> <p>17 media platforms.</p> <p>18 Q. I know you mentioned that you used the</p> <p>19 Signal application to communicate with Mr. Pable,</p> <p>20 correct?</p> <p>21 A. Correct.</p> <p>22 Q. And are there any other communication</p> <p>23 platforms or applications that you use to</p> <p>24 communicate with people?</p>	<p style="text-align: right;">Page 37</p> <p>1 just to try it. That was before of course the world</p> <p>2 now has a zillion ways of communicating with video.</p> <p>3 But I have not used Google Hangouts since that died</p> <p>4 and one again I only used Google Hangouts for</p> <p>5 communications with Mr. Pable.</p> <p>6 Q. All those Google Hangouts communications,</p> <p>7 were they saved in your Google cloud or backup</p> <p>8 space?</p> <p>9 A. I believe so, and I produced the last</p> <p>10 message from that, which was well in advance of 2018</p> <p>11 showing that that was the last message ever</p> <p>12 communicated via Google Hangout with Mr. Pable. And</p> <p>13 I don't have it in front of me. You probably do in</p> <p>14 the exhibits. I believe it was 2016. Don't quote</p> <p>15 me on that. It will be in your records.</p> <p>16 Q. Sure. Aside from Google Hangouts and</p> <p>17 those other communication platforms we discussed,</p> <p>18 anything else that you use, Mr. Haynes?</p> <p>19 A. Regular SMS like the rest of the country</p> <p>20 or the world. So text messages very rarely with my</p> <p>21 wife. There are group chats I have on text messages</p> <p>22 with some friends.</p> <p>23 I have not used that to communicate with</p> <p>24 this litigation other than hey, I had a deposition</p>

<p style="text-align: right;">Page 38</p> <p>1 today or something like that to a friend. 2 Mostly it was just my wife. And the 3 SMS, I do not use SMS with my wife. I use the 4 What's App platform.</p> <p>5 MS. BABBITT: Well, I think now would be a good 6 time to take a break and maybe we could go off the 7 record.</p> <p>8 THE VIDEOGRAPHER: We're going off the record. 9 The time on the monitor is 9:57 a.m.</p> <p>10 (Recess)</p> <p>11 THE VIDEOGRAPHER: Back on the record, the time 12 on the monitor is 10:07 a.m.</p> <p>13 BY MS. BABBITT:</p> <p>14 Q. Mr. Haynes, we were discussing before the 15 break a little bit about the use of the Signal 16 application and how you purged messages when you 17 were sitting at a Starbucks with Mr. Pable. 18 Do you recall that testimony?</p> <p>19 A. Yes.</p> <p>20 Q. And can you tell me how you went about 21 purging those messages on your phone?</p> <p>22 A. Select all delete.</p> <p>23 Q. Was there any other mechanism or anything 24 that you would need to do within the Signal app to</p>	<p style="text-align: right;">Page 40</p> <p>1 Q. We're going to talk about what we refer to 2 as the skeleton key, relating to Clever BusTime. 3 Do you know what I'm referring to when I 4 refer to the skeleton key, Mr. Haynes?</p> <p>5 A. Yes.</p> <p>6 Q. Was that yes, you broke up?</p> <p>7 A. Yes.</p> <p>8 Q. Were you ever made aware at any point in 9 time that Clever Devices had sent a notice to the 10 CTA, informing the CTA that you and Mr. Pable had 11 exploited a vulnerability in the BusTime system by 12 injecting a customer alert into the API of another 13 Clever customer?</p> <p>14 A. Only after all of this started did I learn 15 that Clever Devices sent a letter to the CTA 16 regarding the issue at hand, which is what 17 ultimately led to the CTA placing myself and 18 Mr. Pable on paid administrative leave.</p> <p>19 Q. Do you recall when you learned that that 20 letter was sent from Clever to the CTA?</p> <p>21 A. I don't. I believe I learned it from 22 Mr. Pable in the months after as he began to look 23 into filing the case.</p> <p>24 Q. Is it fair to say you were not aware of</p>
<p style="text-align: right;">Page 39</p> <p>1 remove those messages?</p> <p>2 A. No.</p> <p>3 Q. And was Mr. Pable the only person you were 4 communicating with in 2018 on the Signal 5 application?</p> <p>6 A. To my knowledge, there might have been one 7 or two others.</p> <p>8 Q. Do you recall who those others would have 9 been?</p> <p>10 A. Potentially Jackie Johnston. Perhaps Phil 11 Vanasse. And the Signal App at the time was 12 configured to be my SMS.</p> <p>13 So everything was in one place, but all 14 the SMS messages were over in SMS land. So Signal 15 was just doing the Signal communications with 16 Mr. Pable and, like I said, one or two others.</p> <p>17 Q. When you purged those Signal messages, did 18 you also purge the communications with those one or 19 two other folks you were communicating with that 20 Signal application?</p> <p>21 A. Not at that moment.</p> <p>22 Q. So you just selected the communications 23 with Mr. Pable on the Signal App and purged those?</p> <p>24 A. Correct.</p>	<p style="text-align: right;">Page 41</p> <p>1 that letter at the time that you left the CTA 2 employment?</p> <p>3 A. It is fair to say that.</p> <p>4 Q. And were you aware then while you were 5 employed by the CTA that Clever had informed the CTA 6 that the actions taken on the Dayton system violated 7 the Clever contract and possibly violated federal or 8 state law?</p> <p>9 A. Are you referring to the contents of this 10 letter?</p> <p>11 Q. Yes. If you know that Clever communicated 12 those things to CTA?</p> <p>13 A. I was not aware of any of that at the time 14 of my forced resignation from the CTA.</p> <p>15 Q. When did you become aware of that?</p> <p>16 A. I stated I do not know exactly when I 17 became aware of the content of the letter from 18 Clever Devices to the CTA.</p> <p>19 Q. Did Mr. Pable ever share that letter with 20 you?</p> <p>21 A. I believe he did, and I believe that's how 22 I was able to see that letter. I do not know when 23 or under what circumstances I laid eyes on that 24 letter.</p>

<p style="text-align: right;">Page 42</p> <p>1 Q. Do you know if Mr. Pable sent that letter 2 to you?</p> <p>3 A. I believe it's my understanding it was 4 probably sent through the Signal App sometime after 5 our mutual departure or after our departure from the 6 CTA and in the lead up to or after his filing this 7 case.</p> <p>8 Q. So your recollection is that Mr. Pable 9 sent you that letter informing the CTA from Clever, 10 informing the CTA of the Dayton issue through the 11 Signal application?</p> <p>12 A. Correct.</p> <p>13 Q. And did you communicate with Mr. Pable 14 about receiving that?</p> <p>15 A. I'm sure I did. Thanks. Wow, I can't 16 believe they did that. Those messages would have 17 been deleted 24 hours after submission.</p> <p>18 Q. Right, because you guys make sure that all 19 those messages disappear right away, right?</p> <p>20 A. There's a configuration in the Signal app 21 called disappearing messages as previously stated 22 where messages delete on both sides.</p> <p>23 Q. I think you mentioned that Mr. Pable set 24 it up so that the messages delete on both sides, is</p>	<p style="text-align: right;">Page 44</p> <p>1 What other materials do you recall 2 Mr. Pable shared with you relevant to this case or 3 relevant to the CTA via the Signal app?</p> <p>4 A. I believe he shared with me some of the 5 materials that he was producing for his attorney or 6 some of the other background information on the 7 case.</p> <p>8 Again, none of it saved to my phone for 9 more than a day and was just viewed within the 10 Signal app itself. I don't believe files ever come 11 down or stay on the local phone device. I believe 12 it was just the letter and some exhibits or 13 production materials or responses to his lawyer.</p> <p>14 Q. So Mr. Pable shared communications that he 15 had with his lawyer with you?</p> <p>16 A. I believe he shared copies of something 17 that he was preparing to send.</p> <p>18 Q. What was that?</p> <p>19 A. I don't recall exactly. I believe at one 20 point there was a, hey, this is what I'm going to 21 reply to my lawyer. And I looked it over and 22 thought okay. Again, I am not a party to this. I 23 am just sort of interested.</p> <p>24 Q. Understood. And so those communications</p>
<p style="text-align: right;">Page 43</p> <p>1 that right?</p> <p>2 A. As I understand it, either party can 3 choose to have disappearing messages set up, and I 4 do believe that it's Mr. Pable that initiated that 5 initial disappearing.</p> <p>6 Q. Did Mr. Pable tell you he was configuring 7 your messages with him to be set up in that way?</p> <p>8 A. The Signal app notifies you as a little 9 message that says disappearing messages set to 24 10 hours or one day or something.</p> <p>11 Q. And did you discuss having it be set to 12 disappearing messages with Mr. Pable before he made 13 that change?</p> <p>14 A. I don't recall discussing that with him. 15 And I believe I just saw it and said okay, messages 16 are disappearing within a day. Okay. Fine.</p> <p>17 Q. Did you discuss that with Mr. Pable that 18 he changed that after you saw the disappearing 19 messages?</p> <p>20 A. I don't believe I ever referred to 21 commented on it, no.</p> <p>22 Q. You mentioned that Mr. Pable sent you that 23 correspondence, that letter from Clever to the CTA 24 on the Signal app.</p>	<p style="text-align: right;">Page 45</p> <p>1 that he shared with you, do you recall what the 2 subject matter of them was specifically or even 3 generally?</p> <p>4 A. Just some general can you believe this is 5 what, you know, what they did or how this came 6 about. And where the progress or where the state of 7 things were.</p> <p>8 Generally nothing that wasn't then 9 later subsequently available on the Pacer website 10 that the federal government maintains for the court 11 records.</p> <p>12 Q. How do you know that those materials ended 13 up on the Pacer website for the court?</p> <p>14 A. I got myself an account for Pacer and 15 checked on the status of this.</p> <p>16 Q. So you have a log into the Pacer system 17 for the Northern District of Illinois?</p> <p>18 A. The Northern District of Illinois, it's an 19 account with the Pacer system. You get 30 free, ten 20 cent pages a month. And I have pulled down a number 21 of the documents in the docket.</p> <p>22 Q. And do you pull those down after Mr. Pable 23 alerts you that something has been filed?</p> <p>24 A. No. I check it maybe once a week, once a</p>

12 (Pages 42 - 45)

<p style="text-align: right;">Page 46</p> <p>1 month. Just kind of curious about the status of 2 what's going on with this.</p> <p>3 Q. We talked a bit. I think I had a question 4 if you were familiar with the skeleton question.</p> <p>5 Can you describe the skeleton key for 6 me, Mr. Haynes?</p> <p>7 A. Yes. The skeleton key is an API key that 8 is universal to all of the Clever Device's BusTime 9 systems. It consists of a long list of letters and 10 random characters.</p> <p>11 Think of it as the worst password that 12 you ever had to type. And Mr. Pable informed me 13 that this skeleton key seemed to be in existence in 14 the CTA system and seemed to be a global key that 15 could do anything in the BusTime system.</p> <p>16 Q. So you said Mr. Haynes -- or Mr. Pable 17 informed you that the skeleton key exists, is that 18 right?</p> <p>19 A. Right.</p> <p>20 Q. Do you recall when Mr. Pable informed you 21 that the skeleton key existed?</p> <p>22 A. It was in the days prior to the incident, 23 in August of 2018. He informed me that there was 24 this skeleton key and what it could do and that it</p>	<p style="text-align: right;">Page 48</p> <p>1 Devices system communicated with other components.</p> <p>2 Q. And you mentioned that Mr. Pable I think 3 used something called Wire Shark trace to listen to 4 the network traffic, right?</p> <p>5 A. Right.</p> <p>6 Q. Is that something that Mr. Pable did in 7 the course of his work with the CTA, using the Wire 8 Shark trace? I'm sorry, I cut you off. What did 9 you say?</p> <p>10 A. Yes. Even I used the Wire Shark</p> <p>11 application as part of normal business for the CTA, 12 diagnosing and troubleshooting issues with 13 connectivity between buses and servers and servers 14 and servers and trains and buses and internal 15 trains.</p> <p>16 The Wire Shark was something that was 17 commonly used to sort of diagnose and understand 18 root cause problems between systems.</p> <p>19 Q. And you said that Mr. Pable was able to 20 deduce that it was a skeleton key. Did Mr. Pable 21 explain how he was able to deduce that?</p> <p>22 A. I am sure he did at the time in broad 23 general terms. I don't recall the details of that 24 other than hey, Mike, I saw this in the Wire Shark</p>
<p style="text-align: right;">Page 47</p> <p>1 was sort of a wide open access to the BusTime API, 2 where it was not managed in the normal BusTime admin 3 console for like a developer or for an application 4 where we would assign or develop a key or produce a 5 key for an individual developer with rights.</p> <p>6 He indicated this was sort of a back end 7 key that was not reported in that log.</p> <p>8 Q. How was the key discovered?</p> <p>9 A. To my knowledge at the time, Mr. Pable was 10 looking into some issues that we had been having 11 with an upgrade to the BusTime system.</p> <p>12 And in his work of getting that upgrade 13 to work successfully he ran what's called a Wire 14 Shark trace. Wire shark is a way of listening to 15 network traffic. The network traffic that he 16 listened to was between servers on the CTA's private 17 network.</p> <p>18 So this is sort of listening to the 19 traffic on the wire between two servers and saw this 20 string that was common as plain text. He is one of 21 the most talented individuals I know and was able to 22 deduce that this set of characters was actually an 23 open API key.</p> <p>24 That is how the back end, the Clever</p>	<p style="text-align: right;">Page 49</p> <p>1 trace that I was looking at when I was working on 2 solving the latest BusTime upgrade issues.</p> <p>3 This looks like a generic API key and 4 would potentially work on other BusTime systems and 5 have a higher level of access than even the standard 6 developer API keys or the restricted developer API 7 keys.</p> <p>8 Q. And as you understood it, was Mr. Pable 9 able to deduce that that string of characters was 10 able to do that simply by looking at the key?</p> <p>11 A. Simply by looking at the network traffic 12 and the packets of information that were going from 13 one server, one of the CTA's Clever Device's servers 14 to another.</p> <p>15 I believe the DCC and BusTime, which is 16 the day communications controller and the BusTime 17 applications server. He might have been looking at 18 it as the test server.</p> <p>19 Typically when we do an upgrade, we have 20 a test version of BusTime and a production version 21 of BusTime. Both were accessible to the outside 22 world. One would have been the new version we were 23 going to and was working, and the other was sort of 24 the old one. And in the course of the upgrade there</p>

<p style="text-align: right;">Page 50</p> <p>1 were problems getting the new upgrade, the server 2 upgrade. And he had been investigating that. And I 3 don't recall whether he was investigating it 4 directly on the production server or on the other 5 server, but determined that this string of 6 characters was an API key and had higher levels of 7 access and seemed to come on both systems, but not 8 available in the BusTime administration tool.</p> <p>9 Q. Did Mr. Pable explain to you how he 10 determined that it would provide that sort of 11 access?</p> <p>12 A. I think he saw it in this and tested it 13 against the test server. He shared that key with 14 me, and we were able to test that key against both 15 our test and production servers.</p> <p>16 Q. Did Mr. Pable test it on the test server 17 first, you said?</p> <p>18 A. Again, I don't know the exact 19 circumstances other than it was related to an 20 upgrade and during an upgrade we had a test server 21 at CTA, a test server on the outside which is 22 AmericanEagle.com, which is the web hosting.</p> <p>23 There's a test server in the world, a 24 test server at CTA, and there's a production server</p>	<p style="text-align: right;">Page 52</p> <p>1 He explained that this was an API key 2 that was not issued or managed by us, the CTA IT in 3 the BusTime administration console. Mr. Pable 4 informed me that this was actually a key used 5 internal to the system to communicate with itself 6 internally, and he had found it through a Wire Shark 7 trace.</p> <p>8 Q. Did Mr. Pable inform you that he had 9 tested it on the CTA server to do what you just, in 10 fact, described it to be?</p> <p>11 A. I don't recall exactly whether he informed 12 me that it did that or if we immediately turned 13 around and tried it and said oh, yes, this key gives 14 you access. And it's not a key we ever issued, was 15 ever managed in the BusTime admin console.</p> <p>16 Q. So you don't recall as you sit here today 17 whether or not you with Mr. Pable sat and attempted 18 to test the skeleton key in the CTA system?</p> <p>19 A. I know that I participated and tested it 20 myself on both the test server and the production 21 server. Whether Mr. Pable did it prior to me or 22 whether he did it with me, I do not recall.</p> <p>23 Q. And I know that you said Mr. Pable deduced 24 it by reviewing what he got from I think the Wire</p>
<p style="text-align: right;">Page 51</p> <p>1 at CTA and a production server out in the world. 2 Actually, there are two called a load balancer and 3 how that works is a bit of a mystery to me, but at 4 the time I had diagrams and understood.</p> <p>5 Where Mr. Pable tested and exactly where 6 he tested the API key is not known to me.</p> <p>7 Q. But did Mr. Pable test the key and report 8 to you that he had tested it on either the CTA's 9 test server or production server and explained what 10 he discovered?</p> <p>11 A. To my knowledge he found this, showed that 12 it did what it did, and brought it to my attention 13 immediately.</p> <p>14 Q. When you say showed that it did what it 15 did, could you tell me what you mean by that?</p> <p>16 A. He explained that this was sort of a 17 generic API key. I am, of course, well versed in 18 the API keys, having managed multiple myself for 19 internal applications at the CTA.</p> <p>20 I also would occasionally approve API 21 keys for external users. And so I knew what keys 22 could do. I had been very involved in the 23 development of the BusTime API, conversations with 24 Clever years prior and knew about the API keys.</p>	<p style="text-align: right;">Page 53</p> <p>1 Shark usage.</p> <p>2 Did you ask Mr. Pable to do what he was 3 doing with respect to using Wire Shark or direct him 4 to do it?</p> <p>5 A. I know he was tasked at the time with 6 assisting Clever Devices with getting this upgrade 7 off the ground. I know that there was a BusTime 8 upgrade in June, I believe, of 2018 that had gone 9 awry. And I think it was our second or third time 10 trying to get this upgrade off the ground.</p> <p>11 And that he worked with Clever Devices 12 technical staff to try to troubleshoot and get that 13 off the ground. And I believe at that time he 14 learned about that there was a service bulletin API 15 that was something we had been asking for Clever 16 Devices to give a quote on for some time that we 17 wanted that feature.</p> <p>18 I don't know exactly where he learned of 19 the key's existence. And I don't recall exactly 20 what testing was being done in August specifically, 21 but we were responsible for the upgrades, 22 maintenance and security of the BusTime application. 23 So he would have been looking at and validating that 24 all systems are operational, safe, secure and</p>

<p style="text-align: right;">Page 54</p> <p>1 functional.</p> <p>2 Q. And do you recall what computer the 3 skeleton key was found on when it was initially 4 discovered or identified?</p> <p>5 A. The initial finding of it would have been 6 using Mr. Pable's machine. Whether he was remote 7 desk topped to one of the other servers is unknown 8 to me, but he would have been sitting at his desk at 9 his cubicle using his work station.</p> <p>10 Possibly remote desk topped to one of 11 the production or test servers to identify and 12 troubleshoot issues related to BusTime. And gotten 13 that information, I believe he e-mailed me that key 14 combination because it's not the kind of thing you 15 want to write down on a piece of paper because it's 16 several characters long.</p> <p>17 So the CTA would have a record of that 18 e-mail from Mr. Pable to me with the key. And then 19 I would have simply used the key in a web browser to 20 return information from our production BusTime 21 server and say wow, there's a key that gives access 22 to the broader BusTime system.</p> <p>23 Q. So when Mr. Pable found that key, did he 24 communicate that he found that key to you verbally</p>	<p style="text-align: right;">Page 56</p> <p>1 Q. And you mentioned that Mr. Pable told you 2 about it, and I think you said he pulled you into a 3 conference room to discuss it, is that right?</p> <p>4 A. To my knowledge, yes.</p> <p>5 Q. What did you say to Mr. Pable when he told 6 you about this key?</p> <p>7 A. I don't recall exactly what I said. I 8 believe I was concerned that there was, you know, 9 some general vulnerability there.</p> <p>10 Chris always was generally more 11 concerned about security and erred on the side of 12 caution and concern more than myself necessarily.</p> <p>13 And I believe we raised that issue or 14 that there was a potential key. Again, I am fuzzy 15 on the differences between what happened in June and 16 what happened in August. Somewhere along the line 17 in August it was brought to my attention that this 18 was a more serious issue and that this key could 19 ultimately get into other systems.</p> <p>20 Q. And by other systems, do you mean other 21 transit systems?</p> <p>22 A. Yes. It worked on both of our production 23 and test server, and he said it was generic in 24 nature, that it was in the code -- not in the code</p>
<p style="text-align: right;">Page 55</p> <p>1 or in person?</p> <p>2 A. Yes. He was sitting right next to me. We 3 share a cubicle half wall.</p> <p>4 Q. Do you recall what he said to you and how 5 you responded?</p> <p>6 A. He said he had found a global key that 7 seemed the back end communications, and he was quite 8 concerned.</p> <p>9 If I recall correctly, he probably 10 pulled me into a conference room to speak privately 11 and explain what this was. And again, there are two 12 sort of incidents. There's an earlier incident in 13 June where we were investigating a BusTime upgrade 14 issue, and he found under the service alert API end 15 points I believe they're called.</p> <p>16 And then there was, in August there was 17 a bit more. And I can't recall exactly whether -- 18 the skeleton key potentially was found as part of 19 that upgrade, but the severity of the API key was 20 identified potentially later in August.</p> <p>21 So when he identified that there was 22 this key and that he was concerned, I then tested 23 that key on our production and test servers and saw 24 that okay, this key works on both of these.</p>	<p style="text-align: right;">Page 57</p> <p>1 in the conversation, in the packets that were going 2 back and forth between internal things.</p> <p>3 And that that code was also accessible 4 externally. We became concerned, and we tested it 5 against other transit agencies and our servers.</p> <p>6 Q. Let's turn to CTA Exhibit 1 if you are 7 able to, Mr. Haynes. Let me know when you are 8 there.</p> <p>9 A. Yes.</p> <p>10 Q. So if you could go to the last page of CTA 11 Exhibit 1. It should be an e-mail dated July 5 from 12 Tony Coppoletta. Let me know when you see that.</p> <p>13 A. Yes. This is an e-mail from Tony 14 Coppoletta.</p> <p>15 Q. You see Mr. Haynes it says hi, guys, and 16 it's to you and Mr. Pable, right?</p> <p>17 A. Correct.</p> <p>18 Q. "I am wondering if you had a chance to 19 talk to Clever about closing a loophole in the 20 hidden APIs that you found." Do you see that?</p> <p>21 A. Yes.</p> <p>22 Q. Can you describe what hidden APIs Tony is 23 referring to there?</p> <p>24 A. So this is from July. So this would be</p>

<p style="text-align: right;">Page 58</p> <p>1 shortly after June, which was the upgrade. And 2 these were related to the service bulletin APIs.</p> <p>3 In the process of upgrading the BusTime 4 server and troubleshooting the issues with the 5 BusTime server, Mr. Pable found that there were end 6 points or hooks to doing automated updates to the 7 service bulletins. The bus tracker systems had an 8 opportunity to post bulletins or service 9 information.</p> <p>10 And it had long been a desire of ours to 11 consolidate that because the Chicago Transit 12 Authority people in Anthony's group, Tony was the 13 director of external communications, and his staff 14 would enter information into an American Eagle 15 website for the customer alerts API and also for bus 16 tracker enter the same or similar alert, copy and 17 paste it into the BusTime application. And we had 18 long wanted a way of saying no, let them just enter 19 them into the CTA's customer alerts API and let's 20 have BusTime read the customer alert to keep itself 21 up to date.</p> <p>22 And that's exactly what this is 23 referring to. This e-mail is referring to have you 24 had a chance to talk to Clever about getting access</p>	<p style="text-align: right;">Page 60</p> <p>1 e-mail in June. And we had raised it to 2 Mr. Coppoletta, hey, the opportunity exists. 3 Technologically the opportunity exists to have the 4 CTA customer alerts API, which was controlled by 5 Mr. Coppoletta and the bus tracker API, which was 6 ultimately controlled by my group and by extension 7 Clever Devices.</p> <p>8 Q. Did ask Mr. Pable to look for or locate 9 these hidden APIs?</p> <p>10 A. No, I did not. They were stumbled upon 11 and found in the course of the troubleshooting this 12 June 28 issue.</p> <p>13 Q. Did you alert Clever to the discovery of 14 these hidden APIs?</p> <p>15 A. Yes, we informed Clever, look, these hooks 16 are here and actually at the time our concern, the 17 reason he states closing the loophole in the hidden 18 API, the reason Mr. Coppoletta is concerned is that 19 in theory any developer with one of these, with a 20 standard API key where the API key had access to the 21 restricted fields.</p> <p>22 So by way of explanation the API when 23 you would query the server for information you would 24 get back information about the bus, about the</p>
<p style="text-align: right;">Page 59</p> <p>1 to, legitimate access to these APIs that had been 2 found. And we had that as an action tracker items 3 with Clever Devices to get a quote because Tony is 4 interested in hey, should I start talk to my folks 5 at American Eagle so we could start to have customer 6 alerts talk to each other -- I shouldn't do hand 7 motions, but showing that the two systems would be 8 talking to each other over these APIs that Chris had 9 found in the system as part of the upgrade.</p> <p>10 Q. So the hidden APIs are the APIs that 11 Mr. Pable found that would allow the systems to talk 12 to each other for lack of a better word?</p> <p>13 A. Correct, and those were identified in June 14 as part of this aforementioned upgrade.</p> <p>15 Q. How were those hidden APIs found by 16 Mr. Pable?</p> <p>17 A. My understanding is it would have been 18 through the Wire Shark traces that he had collected 19 in an effort to troubleshoot the issues that we were 20 having with the bus tracker upgrade of June of 2018.</p> <p>21 Q. How did you learn that these hidden APIs 22 were discovered?</p> <p>23 A. Mr. Pable informed me and would have 24 informed me at some point prior to this July 5</p>	<p style="text-align: right;">Page 61</p> <p>1 predictions, about the route.</p> <p>2 We had initially asked for operator ID 3 number and the speed of the bus. We had felt at CTA 4 that that information was not something that the 5 general public or the general developer should have 6 access to. So as part of an upgrade to BusTime well 7 in advance of this, the concept of a restricted API 8 key was born.</p> <p>9 The restricted API key gave you access 10 to the operator badge and the speed. We only used 11 that internally and for occasional developers of the 12 academic sort that were interested in studying data 13 of the CTA.</p> <p>14 When Mr. Pable found these hooks in the 15 API that were undocumented about the service 16 bulletin, we recognized that a restricted API key 17 would theoretically be able to post a service alert 18 in the BusTime system.</p> <p>19 Mr. Coppoletta was concerned about that. 20 He's concerned about it, but also interested and 21 intrigued by it because it would solve the problem 22 that I mentioned earlier about double entry of 23 customer alerts where we could tie the systems 24 together.</p>

<p style="text-align: right;">Page 62</p> <p>1 Q. So my question was did you alert Clever to 2 that issue and is your answer to that yes?</p> <p>3 A. Yes. We asked them to price it so we 4 could A, have them close the loop that was above and 5 B, so we could utilize that functionality with our 6 own restricted internal key to facilitate the 7 aforementioned communication between servers.</p> <p>8 Q. Exhibit 2 is the next e-mail, a July 12th 9 e-mail that you sent to Clever. Do you see that, 10 Mr. Haynes?</p> <p>11 A. Working on it. Yes.</p> <p>12 Q. And you say in there that you want a quote 13 for use of the service bulletin API, is that right?</p> <p>14 A. Yes. Please work up a quote for us to use 15 the undocumented BusTime service bulletin API.</p> <p>16 Q. And in this e-mail in CTA Exhibit 1, 17 Mr. Haynes, you also said please list on the quote 18 a discount for a bug bounty for finding a security 19 issue. Do you see that?</p> <p>20 A. Yes, I do. And I don't recall typing 21 that, but now that it's in front of me I see that.</p> <p>22 Q. What is a bug bounty, Mr. Haynes?</p> <p>23 A. The idea that, hey, we finding a problem 24 and a security risk in your system, looking out for</p>	<p style="text-align: right;">Page 64</p> <p>1 BusTime system.</p> <p>2 Q. So that bug bounty that you requested, 3 have you ever requested a bug bounty from Clever 4 before?</p> <p>5 A. I wouldn't know unless I saw every e-mail 6 I had ever written. We had monthly meetings with 7 Clever Devices, and there were many times over the 8 course of my time with the CTA we found problems 9 with Clever's systems, and we joked we're over here 10 making their systems more secure or better.</p> <p>11 A lot of ideas that came out of 12 particularly my head as well as my staffs' head 13 ultimately became features in Clever Device's 14 products that they then sold and made a profit. 15 Well, those ideas were coming from a public servant.</p> <p>16 So I am looking for recognition on 17 behalf of the public in getting sort of features 18 that ultimately benefit the public based on the 19 provisions that we're finding issues and fixing 20 problems.</p> <p>21 Q. So you had asked Clever Devices for bug 22 bounties before. Is that what you're saying?</p> <p>23 A. You're saying that. I am just saying we 24 would talk about the benefits that myself and my</p>
<p style="text-align: right;">Page 63</p> <p>1 the needs of the public, not just here, but also at 2 other locations.</p> <p>3 I believe the next line I mention 4 something called TTC, which is the Toronto Transit 5 Commission where we saw exposed credentials in the 6 application. So what is common in the world as I 7 understand it of security is hey, look we found a 8 problem in your system, but it's with a feature that 9 we actually want.</p> <p>10 So in here, and this is the kind of -- I 11 am a very casual e-mailer. I kind of throw ideas 12 out there to see if they stick against the wall and 13 sort of hey, let's get a quote for using the CTA 14 bulletin API and not for nothing. We found, public 15 civil servants of Chicago found a problem with our 16 vendor's software.</p> <p>17 The citizens of Chicago and the CTA 18 should probably get some credit for our ingenuity 19 of finding an issue for getting this feature. That 20 is throwing it against the wall. Clever comes back 21 with a quote of \$20,000. Whatever their quote was, 22 we wanted this feature.</p> <p>23 So the CTA was going to take that under 24 advisement and to cure that upgrade as part of our</p>	<p style="text-align: right;">Page 65</p> <p>1 staff provided to Clever Devices on a routine basis.</p> <p>2 Q. Do you recall if you ever requested a bug 3 bounty from Clever aside from this instance?</p> <p>4 A. No, I do not.</p> <p>5 Q. Do you recall discussing a bug bounty with 6 Mr. Pable before you requested it in this e-mail on 7 July 12?</p> <p>8 A. I don't know. I would probably -- this 9 was typed at 3:18 p.m.</p> <p>10 Mr. Pable would have probably been 11 walking out the door at that time. He was an early 12 starter to 3:00, 3:30. So I probably didn't.</p> <p>13 Q. You mentioned in this e-mail there's an 14 issue of exposed TTC credentials, which you 15 indicated referred to the Toronto Transit 16 Commission, correct?</p> <p>17 A. Correct. I believe in Mr. Pables' 18 investigation of the BusTime admin issue or what was 19 going on, he found credentials in plain text I 20 believe that the TTC, Toronto Transit Commission was 21 using.</p> <p>22 We addressed it in the mail. I even 23 stated we don't require these immediate fixes for 24 the security issue, but hey, we want to get access</p>

<p style="text-align: right;">Page 66</p> <p>1 to this BusTime API service bulletin and get a quote 2 for that so we could start working on it. 3 Q. Right. So my question is about the 4 Toronto Commission credentials. Is that referring 5 to a user name and password from someone in the 6 Toronto Transit Commission? 7 A. As I understand, there's a generic user 8 and password for sending the customer alerts and 9 that's the extent of my knowledge, and it's all 10 being refreshed by seeing it in this e-mail. 11 Q. So do you recall what that user name was 12 that was discovered from Toronto? 13 A. No. I only recall it because of the three 14 words in this e-mail that you presented to me. 15 Q. Do you know anyone who is employed by the 16 Toronto Transit Commission? 17 A. No. I believe in my professional world I 18 have had a casual relationship with somebody who 19 formerly worked there who now works for Transdev, 20 but he would have been far removed from any of this. 21 And as stated earlier, I never 22 discussed anything related to any BusTime at CTA 23 with anybody at my current employment. 24 Q. That's the only individual you know of or</p>	<p style="text-align: right;">Page 68</p> <p>1 Mr. Komosa, Mr. Mills and Mr. Chapius 2 are all colleagues from Clever Devices at the 3 project management level. There is nothing -- 4 Mr. Lang and others higher up are not on this 5 thread. 6 Q. My question was just it says that you got 7 this comment about I suppose we could blackmail with 8 the threat of a message, right? And you wrote that 9 e-mail, correct? 10 A. Correct. 11 Q. Were you suggesting that you or someone at 12 the CTA could post a message in the TTC's customer 13 alerts? 14 A. I am suggesting that it is possible. In 15 no way am I even contemplating actually doing that. 16 It's hyperbole. 17 Q. Can you turn to CTA Exhibit 2, Mr. Haynes. 18 Let me know when you're there. 19 A. Working on it. 20 Q. So on CTA Exhibit 2, there's a bunch of 21 messages. The third message down is this note from 22 Tony Coppoletta to you copying Mr. Pable on 23 August 14 at 2:01 p.m. Do you see that? 24 A. Yes, I do.</p>
<p style="text-align: right;">Page 67</p> <p>1 knew of that worked at the Toronto Transit 2 Commission? 3 A. Correct. And I know I didn't reach out to 4 anyone at the TTC at this time. 5 Q. Let's turn back to the first page of CTA 6 Exhibit 1. So that will be at the top, Mr. Haynes. 7 Let me know when you're there. It's an 8 e-mail you sent on August 14. 9 A. Yes. Yes, I see this. 10 Q. And this is August 14. You again asked 11 for a quote for the service bulletin API, is that 12 right? 13 A. Yes. 14 Q. And then you also say, "I suppose we could 15 blackmail with a threat of a message in TTC's 16 System." 17 Do you see that? 18 A. Yes. And I have not seen that before. 19 And in hindsight, that is a terrible sentence to 20 have written, given what ultimately occurred 21 throughout this. And that message is going to Carl 22 Komosa's Snapchat with a copy to Erik Mills, Scott 23 Chapius. Chris Pable and Tom Silvestri, those are 24 both internal CTA.</p>	<p style="text-align: right;">Page 69</p> <p>1 Q. It begins any news on this. I'd really 2 like to be enacting this ASAP. 3 Do you see that from Tony Coppoletta? 4 A. Yes. 5 Q. So in this e-mail Mr. Coppoletta is 6 referring to that issue that you explained to me 7 about people in his team having to duplicate their 8 efforts of entering information into the system, 9 correct? 10 A. Correct. 11 Q. And then the e-mail above that is from 12 Mr. Pable to you on August 14 at 2:23 p.m. Do you 13 see that, Mr. Hayes? 14 A. I do. 15 Q. He says is this something you want to make 16 an API compatible path that we could use until we 17 could officially do it. 18 Do you see that? 19 A. Yes. 20 Q. What do you take that to mean, Mr. Haynes? 21 A. I take it to mean Chris, Tony is really 22 looking for this in advance of getting the quote 23 from Clever since we have knowledge of how this 24 works.</p>

<p style="text-align: right;">Page 70</p> <p>1 Chris is asking me in this to allow him 2 to develop what's needed on the test server so that 3 when Clever does sort of give us the permission to 4 utilize the hidden BusTime service bulletin API 5 we're ready to go.</p> <p>6 And we have already worked with Tony's 7 group so that we could line it up as soon as we get 8 a quote and pay for it.</p> <p>9 Q. And the e-mail above that, that's an 10 e-mail of you responding to Mr. Pable in CTA 11 Exhibit 2 on the same day on August 14.</p> <p>12 Do you see the top e-mail?</p> <p>13 A. Yes.</p> <p>14 Q. And you say yes, let's make an unofficial 15 method and push for it to be official.</p> <p>16 A. Yes, I see that.</p> <p>17 Q. You were agreeing with Mr. Pable that he 18 could make something unofficial until you got 19 something approved through Clever or licensed 20 through Clever, is that right?</p> <p>21 A. Yes, and I indicate make an unofficial 22 method, and we will push for official.</p> <p>23 Q. So was the CTA using this unofficial 24 method until the official method came through Clever</p>	<p style="text-align: right;">Page 72</p> <p>1 getting a license from Clever on using that API? 2 A. I really don't recall how much further we 3 went on this other than to kind of test it out. We 4 never got a quote from Clever Devices to continue. 5 So I don't have access to subsequent e-mails here.</p> <p>6 But it's possible we got busy with other 7 items and didn't actually do that. I don't recall 8 having this unofficial method other than me saying 9 yes, go ahead, get started. Take a look at it.</p> <p>10 Q. So we're done with CTA Exhibit 2. But I 11 want to turn your attention and your memory, Mr. 12 Haynes, to the use of the skeleton key and the 13 discovery of the skeleton key.</p> <p>14 And a few days later after this e-mail 15 on August 17, the skeleton key was tested on the 16 Dayton system. Do you recall that?</p> <p>17 A. Was August 17 a Friday?</p> <p>18 Q. Yes, August 17, 2018.</p> <p>19 A. Yes. So this e-mail the 14th was sent in 20 follow up to what was in June. And the skeleton key 21 would have been identified in those days after this 22 on either the 16th or the 17th and ultimately tested 23 against the Dayton system on the 17th.</p> <p>24 Q. So who first attempted to use the skeleton</p>
<p style="text-align: right;">Page 71</p> <p>1 Devices?</p> <p>2 A. Well, this is Tuesday August 14, and this 3 is only the discussion of me saying yes, let's get 4 started on the development work. So if we could do 5 development work off the test server, not in 6 production, not in public use and start to have the 7 conversations that are necessary to have with Tony's 8 team and his contractor in advance of making sure 9 that all of this is going to work.</p> <p>10 It's very common in our work to make 11 sure that things are going to work before you then 12 turn around and say when you get the quote from 13 Clever. And now I've got to go internal CTA and say 14 to my boss we should spend X on this because it will 15 do Z. And it's nice to have Z proven out that it's 16 going to work before you spend the money on the X 17 that you want.</p> <p>18 Q. My question is a little different. So you 19 approved that Mr. Pable should go forward with an 20 unofficial method or develop an unofficial method to 21 do this. Is that fair?</p> <p>22 A. To begin that effort, correct.</p> <p>23 Q. And so did you or Mr. Pable create an 24 unofficial method that was then used prior to</p>	<p style="text-align: right;">Page 73</p> <p>1 key on the Dayton system?</p> <p>2 A. I discussed it with Mr. Pable when he 3 raised the issue that there was a skeleton key. I 4 used that skeleton key to test against our test 5 servers as well as a bunch of other sites that I had 6 listed as Clever Devices' BusTime clients and 7 BusTime sites.</p> <p>8 And we picked out of a hat Dayton. And 9 I said if this API key not only as an open API key, 10 but also is an exploitable path for service alerts. 11 Let's see if this API does what we think it would 12 do. And if this API key exists in our system and it 13 works on somebody else's system, then it means that 14 the CTA has a global vulnerability inside of its own 15 system.</p> <p>16 Q. So who first attempted to use the skeleton 17 key on the Dayton system?</p> <p>18 A. I would have done that with Mr. Pable at 19 the same time. I would not have the knowledge to 20 type the commands. I do believe I am the individual 21 that pressed enter and executed the command.</p> <p>22 I could not generate the command. I 23 did not have the necessary skills for that. I know 24 that on Friday, August 17, Mr. Pable was against the</p>

<p style="text-align: right;">Page 74</p> <p>1 idea of the test. And I suggested I think we should 2 do this so that we could prove to ourselves and 3 others that this is as serious as we're making it 4 out to be. And I am sure that I am the one that 5 pressed enter.</p> <p>6 Q. And so if you could set the scene for me a 7 little more on that, that is really helpful, 8 Mr. Haynes.</p> <p>9 You are with Mr. Pable at the CTA 10 headquarters at your desks?</p> <p>11 A. Yes.</p> <p>12 Q. And were you seated in front of your 13 computer, and Mr. Pable was seated in front of his 14 computer?</p> <p>15 A. Our arrangement was I had a desk 16 immediately next to him and then we had a work 17 station across the aisle.</p> <p>18 I bounced between the work station 19 spending a lot of my time at the work station and 20 occasional time at my own desk. And so Chris and I 21 could diagonally see each other across the aisle of 22 cubicles. We would talk all the time. We were 23 coworkers. PreCovid you could talk and work 24 together in person.</p>	<p style="text-align: right;">Page 76</p> <p>1 immediately, having already tested these commands on 2 our own CTA test server by posting an alert and 3 removing the alert with the global API key.</p> <p>4 So he worked up the commands and had 5 them at the ready. I came over to his desk. We 6 talked about it, and I struck the enter key, and we 7 sent the message.</p> <p>8 Q. So I am going to unpack that a little bit. 9 That was a lot of information. It was helpful.</p> <p>10 So you said that you picked Dayton out 11 of a hat. When you say we, are you referring to you 12 and Mr. Pable deciding to pick Dayton or did you 13 specifically pick Dayton?</p> <p>14 A. I picked Dayton.</p> <p>15 Q. You did, right?</p> <p>16 A. Right.</p> <p>17 Q. And then you explained you didn't have the 18 knowledge or skill set to develop the commands to 19 execute this test on Dayton. Is that fair?</p> <p>20 A. Fair.</p> <p>21 Q. And so Mr. Pable created those commands 22 for you?</p> <p>23 A. Yes.</p> <p>24 Q. And did Mr. Pable do that at his desk</p>
<p style="text-align: right;">Page 75</p> <p>1 He would have said something. I would 2 have been at the other terminal work station that I 3 was at. And I believe I had a LINUX terminal 4 connected to my own work station, and we were 5 testing things. I looked up the Dayton website and 6 said, well, as a test it doesn't impact anybody.</p> <p>7 Let's find an alert on somebody's system 8 that is just a benign alert and just host that alert 9 again, and we'll take the period off the end so that 10 we know it's a duplicate. And all we did was I 11 found an alert on the Dayton system about a bridge 12 being out of service, the Keowee Bridge over 13 whatever river runs through Dayton, and we saw that 14 there was an alert in their system about that.</p> <p>15 We copied the text. I would have 16 e-mailed that over to Chris or have Chris copy it 17 out of the Dayton page. He reformulated the command 18 that would reissue that alert, minus the period, and 19 we executed that and confirmed on the Dayton website 20 that yes, in fact, we had duplicated the alert.</p> <p>21 Chris, before we even started that, I 22 said make sure that you have the commands to delete 23 the duplicate at the ready in case this does work. 24 We'd like to send an issue command to delete it</p>	<p style="text-align: right;">Page 77</p> <p>1 station on his computer?</p> <p>2 A. Yes.</p> <p>3 Q. And did you observe Mr. Pable inputting 4 those commands and setting that up for you?</p> <p>5 A. To a degree over his shoulder, yes. We 6 often worked over each others' shoulders.</p> <p>7 Q. So was Mr. Pable seated in front of his 8 computer, and you were standing behind him, behind 9 his shoulder?</p> <p>10 A. I believe that was the arrangement.</p> <p>11 Q. And how long did it take for Mr. Pable to 12 develop those commands to use to execute the Dayton 13 test?</p> <p>14 A. Maybe five or ten minutes.</p> <p>15 Q. And you may have observed Mr. Pable 16 setting that up for you, is that right?</p> <p>17 A. I may have. I mean he had just tested it 18 on our own system. So it was a matter of copying it 19 and pointing it to a different server, a different 20 web address.</p> <p>21 Q. Why did you press enter?</p> <p>22 A. Because I wanted to test that this would, 23 in fact, affect someone else's system besides just 24 the CTA's setup.</p>

<p style="text-align: right;">Page 78</p> <p>1 Q. I guess did Mr. Pable say I'm not going to 2 touch enter and so you did it?</p> <p>3 A. He was uncomfortable with the test, with 4 the idea that we were doing this. And I sort of 5 made the unilateral decision let's do it. And I 6 guess as a method of asserting his concerns, I 7 pressed the enter key.</p> <p>8 Q. Did he ask you to do that?</p> <p>9 A. I don't recall if we engaged in a 10 conversation or a discussion on exactly that. I 11 don't know.</p> <p>12 Q. So you don't recall as you're sitting here 13 today whether or not Mr. Pable set up five to ten 14 minutes of code and then let you come over and press 15 enter on his computer.</p> <p>16 You don't recall having any conversation 17 about that?</p> <p>18 A. I recall in the moment doing all this. I 19 do not recall the specifics that I or Mr. Pable said 20 regarding the actual pressing of the enter key, but 21 I could tell you that I am the one who made the 22 decision. And I am the one that pressed the enter 23 key.</p> <p>24 I did not type the commands because I</p>	<p style="text-align: right;">Page 80</p> <p>1 It is a one line response. It is very 2 benign. I had a list of other websites of Bus 3 Tracker due to an issue about four months earlier 4 where Clever came to us in a bit of a panic and said 5 we have to upgrade your Google Maps API key, and it 6 has to be done tonight.</p> <p>7 And I said wait a minute. You guys have 8 BusTime API key Google Maps all over the place. And 9 at that time I had made a list and went to various 10 Bus Tracker sites that had Bus Tracker, and I was 11 looking to see what their Google Maps configuration 12 was as part of refuting Clever Devices' the sky is 13 falling, we need to update a Google Maps API key 14 integration.</p> <p>15 So I had at the ready a list of websites 16 that were other Bus Tracker setups that Clever 17 Devices had implemented. So I sent that list with 18 the API key to determine the vulnerability spread.</p> <p>19 Q. Did you do that before or after you 20 executed the Dayton test?</p> <p>21 A. That was done before the Dayton test, all 22 in the same half hour, hour.</p> <p>23 Q. I think you said that Mr. Pable expressed 24 some objections to conducting the Dayton test.</p>
<p style="text-align: right;">Page 79</p> <p>1 would not have had that skill, but I alone pressed 2 the enter key.</p> <p>3 Q. I think you said that you also had a LINUX 4 terminal set up our own work station, is that right?</p> <p>5 A. Yes. The work station I worked at across 6 the aisle I would remote back through a terminal to 7 my own desktop, that is correct.</p> <p>8 Q. Were you using the skeleton key on that 9 LINUX terminal to do any testing of your own?</p> <p>10 A. Yes, I was. Both on our systems and the 11 others. My knowledge was more limited. I did not 12 have the knowledge of the hidden API that we're 13 talking about regarding the service bulletins.</p> <p>14 I did not have that knowledge or that 15 skill set, but I would run a command to benignly get 16 the current server time from another BusTime setup, 17 which proved that the key was, in fact, a generic 18 key at these other locations.</p> <p>19 Q. So you were able to test it in that way on 20 the LINUX terminal?</p> <p>21 A. Yes. I ran a script called a Bash, 22 B-a-s-h, script that had a series of curl commands 23 or W get commands that would go out and ask another 24 BusTime server for its clock, for its server time.</p>	<p style="text-align: right;">Page 81</p> <p>1 Could you describe that for me?</p> <p>2 A. Mr. Pable was against it because he said 3 Mike, you know it's going to do it. You know it 4 works. Because if the API key, this skeleton key 5 was able to get the time from all of these servers 6 and that same key on our test server was able to 7 inject a service alert and was able to delete a 8 service alert, Chris's point was Mike, you don't 9 need to prove this.</p> <p>10 You have what you need. You know that 11 the scope of vulnerability is all of these other 12 customers by just fetching their time, their clock. 13 And you know that this key has access to that.</p> <p>14 I was still wanting to know that this 15 really was as serious as Chris was making it out to 16 be. And I felt the benign test of repeating a 17 service alert was a low risk, low penetration that 18 would prove that the vulnerability that existed at 19 CTA existed outside of CTA, and other systems 20 outside of CTA had this same code and could be 21 vectors of a problem for CTA.</p> <p>22 Q. If I am hearing you, was Mr. Pables' 23 objection that you didn't need to conduct this test 24 because you had already confirmed what you had</p>

<p style="text-align: right;">Page 82</p> <p>1 viewed as a vulnerability?</p> <p>2 A. Correct.</p> <p>3 Q. And did you insist that Mr. Pable set up a</p> <p>4 command for you to do this?</p> <p>5 A. I asked him to set this test up.</p> <p>6 MR. DUFFY: Chris needs a few minutes when it's</p> <p>7 convenient.</p> <p>8 MS. BABBITT: Sure. Can I ask two more</p> <p>9 questions and then we'll take a break.</p> <p>10 MR. DUFFY: Yes.</p> <p>11 BY MS. BABBITT:</p> <p>12 Q. I didn't catch your last answer. Did you</p> <p>13 insist that Mr. Pable create this command for the</p> <p>14 Dayton test?</p> <p>15 A. I asked him to set up the command.</p> <p>16 Q. Did you pressure him in any way to set up</p> <p>17 the command for the Dayton test?</p> <p>18 A. No. I was his manager. We had a very</p> <p>19 cordial, friendly relationship. I said let's test</p> <p>20 it. That is the extent of the insistence.</p> <p>21 Q. Can you recall any other information about</p> <p>22 Mr. Pable's objections to running the Dayton test?</p> <p>23 A. Mr. Pable was always concerned about</p> <p>24 security and vulnerabilities and would have</p>	<p style="text-align: right;">Page 84</p> <p>1 what we were doing or what we were talking about.</p> <p>2 It's not like there was some heated discussion,</p> <p>3 debate and intimidation.</p> <p>4 Q. Okay.</p> <p>5 MS. BABBITT: Now would be a good time to take</p> <p>6 a break.</p> <p>7 THE VIDEOGRAPHER: We're going off the record.</p> <p>8 The time on the monitor is 11:15 a.m.</p> <p>9 (Recess)</p> <p>10 THE VIDEOGRAPHER: We are back on the record.</p> <p>11 The time on the monitor is 11:28 a.m.</p> <p>12 BY MS. BABBITT:</p> <p>13 Q. Mr. Haynes, we were discussing before we</p> <p>14 took a break executing the test on Dayton and the</p> <p>15 determination of finding the skeleton key.</p> <p>16 One question that I wanted to ask you</p> <p>17 specifically was once you determined that there was</p> <p>18 something that you viewed as a vulnerability and</p> <p>19 that Mr. Pable had viewed as a vulnerability, why</p> <p>20 did you decide to test it in other systems?</p> <p>21 A. To see that it was a vulnerability that</p> <p>22 affected more than just us and that would indicate</p> <p>23 that there is code, and the security hole that we</p> <p>24 had found that is apparent with us is on others,</p>
<p style="text-align: right;">Page 83</p> <p>1 naturally felt uneasy touching or doing anything</p> <p>2 outside.</p> <p>3 And I felt I wanted that confirmation so</p> <p>4 that when we presented this case to Clever Devices</p> <p>5 as an issue or as a deeper issue, it was taken more</p> <p>6 seriously than the issue that we had raised in June,</p> <p>7 which it's now August and that issue is still not</p> <p>8 resolved. I wanted confirmation.</p> <p>9 Q. But did Mr. Pable express his objections</p> <p>10 in any way other than what you have already</p> <p>11 described?</p> <p>12 A. No further information. He expressed</p> <p>13 concerns, and he said we shouldn't do that. I said</p> <p>14 I think we should.</p> <p>15 Q. And did Mr. Pable express those concerns?</p> <p>16 He just said them to you out loud, is that right?</p> <p>17 A. Correct.</p> <p>18 Q. Did he communicate those concerns in</p> <p>19 writing?</p> <p>20 A. No.</p> <p>21 Q. Did anyone else hear or was it within</p> <p>22 earshot of Mr. Pable expressing these concerns?</p> <p>23 A. Others might have been in earshot. Phil</p> <p>24 Vanasse might have been in earshot, but didn't know</p>	<p style="text-align: right;">Page 85</p> <p>1 which would then mean that there's code, this API</p> <p>2 key code exists on both systems.</p> <p>3 Q. Why did you not alert Clever to that</p> <p>4 before doing those tests?</p> <p>5 A. We had already alerted Clever to the fact</p> <p>6 that there was this undocumented service bulletin</p> <p>7 API where any restricted key would have access to</p> <p>8 this.</p> <p>9 And you could see that from June to</p> <p>10 August, there was no acknowledgment or fix of that</p> <p>11 security risk, and no quote for that functionality.</p> <p>12 So before we raised or I raised another issue, I</p> <p>13 wanted to be sure that this issue was as severe and</p> <p>14 serious as Mr. Pable was indicating to me and had</p> <p>15 confirmation that this did not just affect the CTA,</p> <p>16 that this was a larger problem, bigger than just the</p> <p>17 CTA's system that needed to get fixed because these</p> <p>18 vulnerable systems actually made CTA's system</p> <p>19 vulnerable.</p> <p>20 Q. Did you alert anyone else at the CTA once</p> <p>21 those discoveries had been made in August?</p> <p>22 A. No.</p> <p>23 Q. Why didn't you?</p> <p>24 A. Honestly, the folks above me would not</p>

<p>1 have understood, and I wanted to understand the 2 severity and how it functioned before we went 3 further.</p> <p>4 I will note that Tony Coppoletta, who 5 was above me in the communications department, was 6 aware of the security vulnerability with the 7 customer alert API. And I do believe he was also 8 around when we were finding the skeleton key, and we 9 had indicated that that was a concern to him as 10 well.</p> <p>11 So to the extent that others at CTA 12 knew, I felt it was also important to keep it on a 13 small basis because this is a fairly open security 14 risk. I wanted to have confirmation before I went 15 further.</p> <p>16 Q. So you mentioned Mr. Coppoletta was 17 around. What do you mean by that? Was he present 18 when you tested Dayton?</p> <p>19 A. I do not believe he was present when we 20 tested Dayton. I believe he was on our floor at 21 some point throughout that afternoon of Friday the 22 17th.</p> <p>23 I can't say for exactly when, but he was 24 aware of, obviously aware per the e-mails of the</p>	<p>Page 86</p> <p>1 A. Jim Psomas would not understand. 2 Q. Did you believe that there would not be a 3 way to explain it to Jim Psomas in a way that he 4 would understand?</p> <p>5 A. I wanted to get further and make sure I 6 understood the full details and then allow Clever 7 Devices' technical staff to deal with it and inform 8 senior management, my management when if the issue 9 was resolved. We found this, we did this, we fixed 10 this.</p> <p>11 Q. Did you discuss with Mr. Pable prior to 12 conducting the Dayton test alerting Mr. Psomas or 13 anyone else at the CTA?</p> <p>14 A. I don't believe I discussed alerting 15 anyone else at the CTA.</p> <p>16 Q. With Mr. Pable?</p> <p>17 A. Correct, or anybody.</p> <p>18 Q. Did Mr. Pable ever suggest that hey, we 19 should bring this up to Jim?</p> <p>20 A. I don't recall if we had that 21 conversation.</p> <p>22 Q. Could you turn to CTA Exhibit 39, 23 Mr. Haynes. It will be one you'll need to zoom in 24 on. Let me know when you're there, Mr. Haynes.</p>
<p>1 security vulnerability with the BusTime API 2 undocumented features for the service bulletins.</p> <p>3 He was made aware on that Friday. I 4 believe he dropped by at some point, and we had 5 indicated or I mentioned to him or Chris and I 6 mentioned to him that we had found this more global 7 key. To the extent I indicated to him of any of the 8 tests, I don't have any knowledge of whether I did 9 that or not or what I communicated to him.</p> <p>10 Q. I think you testified that part of the 11 reason you didn't discuss it with many others at the 12 CTA was because you wanted to keep it closely held 13 because of the sensitive nature of it. Is that 14 fair?</p> <p>15 A. Fair.</p> <p>16 Q. And that included not disclosing that to 17 Jim Psomas or anyone above him?</p> <p>18 A. Correct. And that also Jim Psomas and 19 anybody above him, the effort to explain it to them 20 did not really warrant until we got a better 21 understanding.</p> <p>22 Q. I'm sorry, you cut off at the end there. 23 You didn't want to explain it to Jim Psomas because 24 why?</p>	<p>Page 87</p> <p>1 A. I'm getting there. Yes, we're here, CTA 2 Exhibit 39.</p> <p>3 Q. Yes. It should look like an Excel 4 spreadsheet, Mr. Haynes. This is an excerpt from 5 the web history from Mr. Pables' CTA computer from 6 August 17, 2018.</p> <p>7 And I have highlighted a few rows of 8 this web history that reflects where the skeleton 9 key has been inputted. So if you could turn your 10 attention to, it's a row, the last highlighted row 11 on the first page of CTA Exhibit 39 numbered 6349. 12 Do you see that, Mr. Haynes?</p> <p>13 A. I do.</p> <p>14 Q. And it's dated August 17, 2018. The time 15 stamp is 11:33:37 a.m. Do you see that?</p> <p>16 A. Yes, I do.</p> <p>17 Q. And the URL, there is a URL connecting to 18 mybusnwnjtransit.com. Do you see that?</p> <p>19 A. Yes I do.</p> <p>20 Q. And at the end of that there is a key 21 inputted. It says key equal sign. Then it begins 22 ambg. Do you see that, Mr. Haynes?</p> <p>23 A. I do.</p> <p>24 Q. And that skeleton key is the key being</p>

23 (Pages 86 - 89)

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<p>1 inputted that begins ambg, is that right?</p> <p>2 A. Yes, that is the skeleton key.</p> <p>3 Q. Are you aware of who attempted to use the 4 skeleton key to access the New Jersey transit system 5 on Mr. Pable's computer on that date?</p> <p>6 A. I would assume Mr. Pable. Go ahead.</p> <p>7 Q. Did you say something else?</p> <p>8 A. If this is a log of records from 9 Mr. Pable's computer, then I would assume that he 10 executed this command.</p> <p>11 Q. And you don't recall sitting at 12 Mr. Pable's computer and executing that on the New 13 Jersey transit system, do you?</p> <p>14 A. No.</p> <p>15 Q. Do you recall if you observed Mr. Pable 16 doing that on his computer?</p> <p>17 A. I do not recall if I observed this.</p> <p>18 Q. Did you ask Mr. Pable to input that 19 skeleton key on the New Jersey transit system site?</p> <p>20 A. I don't recall. I may have e-mailed him 21 the link and said hey, did this work for you. I 22 don't know.</p> <p>23 Q. Do you recall if Mr. Pable objected to 24 inputting this on his computer?</p>	<p>1 A. Not to my knowledge.</p> <p>2 Q. And then if you could again on that same 3 page of the CTA Exhibit 39. There are two additional 4 rows highlighted in 6334 and 6335.</p> <p>5 Mr. Haynes, do you see those highlighted 6 rows?</p> <p>7 A. Yes, I do.</p> <p>8 Q. And the time stamp for that is August 17 9 and now it's at 12:15 p.m. Right?</p> <p>10 A. Yes. Correct.</p> <p>11 Q. And the URLs for those entries, that links 12 to the Greater Dayton RTA BusTime, is that correct?</p> <p>13 A. Correct.</p> <p>14 Q. And then there's also a key that is 15 inputted, which is again the skeleton key that 16 begins ambg. Do you see that?</p> <p>17 A. Yes.</p> <p>18 Q. You believe, you said you did not type 19 anything on Mr. Pables's computer, but just to 20 confirm did you input the skeleton key into the 21 Greater Dayton RTA bus website in these instances?</p> <p>22 A. Not from Mr. Pable's computer. I may have 23 copied this and pasted it and e-mailed it to him.</p> <p>24 I don't have emails between myself and</p>
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<p>1 A. I don't know.</p> <p>2 Q. And then if you could turn your attention, 3 it's a few rows up on CTA Exhibit 39, Mr. Haynes. 4 This is row 6346. Do you see that highlighted row?</p> <p>5 A. Yes, I do.</p> <p>6 Q. It's also August 17, 2018, right?</p> <p>7 A. Yes, it is.</p> <p>8 Q. And it's just seconds later at 11:33 a.m.?</p> <p>9 A. Yes, later time.</p> <p>10 Q. And then the URL there, that is the 11 CTA.com BusTime tracker, right, and Mr. Pable. And 12 the URL there has the key, the skeleton key inputted 13 into the CTA BusTracker. Do you see that?</p> <p>14 A. Yes, I do.</p> <p>15 Q. And do you recall who made this attempt to 16 use the skeleton key?</p> <p>17 A. No.</p> <p>18 Q. Do you recall if you were sitting on 19 Mr. Pable's computer and used the skeleton key on 20 the CTA website?</p> <p>21 A. I did not sit at or type on Mr. Pable's 22 computer.</p> <p>23 Q. Do you recall observing Mr. Pable input or 24 type this on his computer?</p>	<p>1 Mr. Pable during this time, but this is a request to 2 get the vehicle list on two routes from Dayton with 3 the skeleton key.</p> <p>4 Q. And you don't recall inputting that on 5 Mr. Pable's CTA computer, is that right?</p> <p>6 A. As previously stated, I did not type on 7 Mr. Pable's computer.</p> <p>8 Q. Great. And did you observe Mr. Pable 9 inputting the skeleton key on the Dayton RTA 10 website?</p> <p>11 A. I may have. I may have been at my own 12 desk. I don't recall.</p> <p>13 Q. So you don't recall if you saw him or 14 asked him to input the skeleton key on to the Dayton 15 site?</p> <p>16 A. Well, I would have for the purposes of the 17 test that was eventually performed. I don't recall 18 these instances.</p> <p>19 Q. And then on the second page of CTA 20 Exhibit 39, if you can turn your attention to that. 21 There is just one more highlighted row, and it's row 22 6285, Mr. Haynes, if you see that?</p> <p>23 A. Yes.</p> <p>24 Q. Again, this is from Mr. Pable's CTA</p>

<p style="text-align: right;">Page 94</p> <p>1 computer and his web history and that row 2 highlighted is dated August 20, 2018 at 11:03 a.m. 3 Do you see that? 4 A. Yes. 5 Q. And this entry in the URL is again the 6 Greater Dayton RTA's website and their BusTime 7 website. Right? 8 A. Yes. 9 Q. And it's again inputting that skeleton 10 key, the key equals ambg and continues. Do you see 11 that? 12 A. Yes. 13 Q. And are you aware of who inputted this on 14 Mr. Pable's machine on August 20? 15 A. I am not aware of who typed that or 16 entered that. 17 Q. Did you type that or input that into 18 Mr. Pable's computer on August 20? 19 A. As previously stated, I did not type on 20 Mr. Pable's computer. 21 Q. And was this inputted onto the Dayton 22 website on August 20th at your direction by 23 Mr. Pable? 24 A. I don't recall. For all I know it could</p>	<p style="text-align: right;">Page 96</p> <p>1 Q. Did you ask Mr. Pable to send that email 2 to you? 3 A. I very likely asked him to send me the key 4 so I could do the testing on my work station. 5 Q. So that's a yes? 6 A. Affirmative. 7 Q. And what do you recall about that 8 conversation where you asked him to send you the 9 skeleton key? 10 A. Hey, send me the key. I'll test it on 11 another server. That's what I recall. 12 Q. Did Mr. Pable object when you made that 13 request of him? 14 A. I do not believe so. 15 Q. And then the next e-mail up on CTA 16 Exhibit 3 is an e-mail from again Mr. Pable to you 17 at 12:15. And he sends you a link to the Greater 18 Dayton RTA BusTime. Do you see that? 19 A. Yes, I do. 20 Q. And he says view the source, right? 21 A. Yes, he does. 22 Q. What did you take that to mean? 23 A. This looks like the same URL that we were 24 just speaking about on the previous prior exhibit.</p>
<p style="text-align: right;">Page 95</p> <p>1 be a refresh of the tab that would have been opened 2 from Friday. 3 Q. I believe Mr. Pable had testified that 4 when he set up the Dayton test on his computer it 5 had something like an orange button that said go on 6 it. Do you recall that? 7 A. I don't recall the exact specifics. I 8 remember hitting enter. Perhaps I used a mouse and 9 clicked. I just remember the customer alert was not 10 in a web browser. It was in a tool that Mr. Pable 11 had set up. 12 Q. Can you turn your attention to CTA 13 Exhibit 3, Mr. Haynes. Let me know when you're 14 there. 15 A. We're there. 16 Q. So CTA Exhibit 3, the last e-mail on the 17 first page of CTA Exhibit 3 is an e-mail from 18 Mr. Pable to you dated August 17, at 11:34 a.m., 19 correct? 20 A. Yes. Correct. 21 Q. And the subject is skeleton key and then 22 the body of that e-mail includes the skeleton key 23 itself, right? 24 A. Yes, I see that.</p>	<p style="text-align: right;">Page 97</p> <p>1 And what I took that to mean was just take a look at 2 that and see that we're, in fact, getting the 3 vehicle positions for Route 60 from the Dayton 4 system with this skeleton key. And view the source 5 would be just look at the data that it returns. 6 Q. So that testing that Mr. Pable is 7 conducting is returning information about a specific 8 bus route? 9 A. Right. At the end of it, it says RT 10 equals 60 and that means Route 60. 11 Q. Did you ask Mr. Pable to do that, to test 12 that for you? 13 A. I don't recall. 14 Q. Ultimately, you learned that the Dayton 15 test you conducted resulted in a tweet being pushed 16 out to Dayton's Twitter feed, is that right? 17 A. Correct. When the command was issued, 18 something came back that said tweet sent or 19 something. 20 Q. So once you press enter, click the mouse 21 to conduct the test it alerted you and Mr. Pable on 22 Mr. Pable's computer that a tweet had been pushed 23 out? 24 A. Correct. There was some response that</p>

<p style="text-align: right;">Page 98</p> <p>1 said tweet sent or something along those lines, 2 which would have indicated that the Dayton system 3 had an integration with Twitter for their alerts. 4 CTA did not have that integration set 5 up. So we were unfamiliar with that, but something 6 came back that indicated Twitter updated. 7 Q. Were you aware that it would kick 8 something out to Twitter before you conducted the 9 test? 10 A. I'm sorry, restate the question. 11 Q. Were you aware that something would be 12 kicked out the Twitter from the Dayton system before 13 you conducted the Dayton test? 14 A. No. 15 Q. And you sent that tweet then to Mr. Pable, 16 right, on that same day in CTA Exhibit 3? 17 A. Yes. So that is the link. So when I hit 18 enter and saw that, we noticed the response said 19 something about Twitter. 20 I went to my machine, went to Twitter. 21 I went to the Greater Dayton Regional Transit 22 Authority Twitter account and saw this a brand new 23 tweet with the message we just assembled minus the 24 period had just been tweeted. And I was then giving</p>	<p style="text-align: right;">Page 100</p> <p>1 alert that you pushed out, right? 2 A. Yes, I did. 3 Q. And there is a period at the end of this 4 tweet on CTA Exhibit 3, right? 5 A. Oddly, there is. This is the first time I 6 am sort of recognizing that fact. 7 Q. And is it possible that someone else 8 posted the tweet or the tweet was done that added a 9 period? 10 A. I really don't know how the integration 11 with Twitter is. Perhaps there were two periods, 12 and I deleted one. I would have to see the history 13 of exactly what we sent. 14 Maybe there was a comma, and I always 15 thought it was a period. I don't know. I am 16 actually surprised to see a period there. It's the 17 first time I am noticing that. 18 Q. And you directed Mr. Pable when he was 19 preparing the test to have that period dropped from 20 the alert, is that right? 21 A. Yes. 22 Q. He agreed to do that? 23 A. Yes. 24 Q. Did Mr. Pable ask you to send these</p>
<p style="text-align: right;">Page 99</p> <p>1 Mr. Pable a link to that. 2 Q. Why did you give Mr. Pable the link to 3 that? 4 A. Just to copy it and have it as a record. 5 Q. And then above that the top e-mail, CTA 6 Exhibit 3 is an e-mail from you to Mr. Pable that 7 says so we have them dot dot dot. Right? 8 A. Yes. Looks like later in the evening 9 7:19 p.m. I sent that. 10 Q. And then if you look at the two pages or 11 three pages that follow in CTA Exhibit 3, those are 12 the materials that you sent Mr. Pable that evening, 13 right? 14 A. It appears to be. 15 Q. And it's bates stamped at the bottom of 16 Exhibit 3, CTA Pable 00000654, and it's a screen 17 capture of a tweet from Greater Dayton RTA, right? 18 A. It is, in fact, a screen shot of a tweet 19 from the Greater Dayton RTA. 20 Q. Right. And it includes the tweet of the 21 Keowee, K-e-o-w-e-e Street bridge, right? 22 A. Yes. 23 Q. And I think you mentioned that you 24 intentionally tried to drop a period out of the</p>	<p style="text-align: right;">Page 101</p> <p>1 materials to him? 2 A. No. 3 Q. Why did you send them to him? 4 A. For a record of what happened, what we 5 did. 6 Q. Mr. Haynes, who is Anthony Clunies, 7 C-l-u-n-i-e-s, if you know? And it's not in CTA 8 Exhibit 3. So you don't need to look at that. 9 A. The name sounds familiar. I would need 10 more context. I don't recall. The name sounds 11 familiar, like a colleague in the transit world that 12 I feel like I might know him. I don't know. 13 Q. Are you familiar with Mr. Clunies being an 14 employee of the Toronto Transit Commission? 15 A. No. It does sound like somebody I might 16 have met. Clever Devices would hold a user 17 conference and that name sounds familiar. That name 18 sounds familiar from a guy in San Francisco. 19 But like I said, I've met a lot of 20 people, and the name sounds familiar as a colleague 21 within the transit industry. I'm taking your word 22 for TTC. 23 Q. Let's turn your attention to CTA 24 Exhibit 4, and this might refresh your recollection</p>

<p style="text-align: right;">Page 102</p> <p>1 more, Mr. Haynes. Let me know when you have it. 2 A. Exhibit 4? 3 Q. Correct. Do you have that up? 4 A. Yes. 5 Q. That is an e-mail to Mr. Clunies at TTC.CA 6 from you, Mr. Haynes, dated August 20, 2018, 7 correct? 8 A. Correct. 9 Q. You say in this email to Mr. Clunies, 10 "I'll keep you posted on this. They have the 11 Twitter integration. So we actually pushed out a 12 tweet on them about a detour for a bridge that's 13 been out for months." 14 A. Right. I see that now. 15 Q. And then you also say in the second 16 paragraph, "Oops, but a good piece of white hat 17 hacking. I'll give you a copy of what I sent to 18 senior management at Clever Devices, probably draft 19 that up later this morning." 20 Do you see that? 21 A. I see that now. 22 Q. And you drafted this e-mail and sent it to 23 Mr. Clunies, correct? 24 A. Yes. I didn't realize that I did this,</p>	<p style="text-align: right;">Page 104</p> <p>1 e-mail. 2 Q. Can you tell me why you shared this note 3 that you sent to Dayton to Mr. Clunies in Toronto? 4 A. As I mentioned, he and I must have been 5 working on exchanging some information and so he was 6 on the top of mind at the time. 7 And I must have thought to keep him in 8 the loop on it, and I sent it to him. As you stated 9 when you said his name, I didn't recall other than a 10 name I knew or recognized. I don't recall sending 11 these messages except that I am now seeing them in 12 front of me. 13 Q. And with respect to the message you sent 14 to Jessica Olsen at the Greater Dayton RTA, who 15 drafted that e-mail to Jessica? 16 A. I did. 17 Q. Did you draft it in coordination or in 18 consultation with Mr. Pable? 19 A. Yes. 20 Q. Do you know if Mr. Pable reviewed the 21 e-mail before you sent it to Ms. Olsen? 22 A. I don't know for a fact, but it's likely. 23 Q. And who made the decision to send this 24 note to Dayton and to Ms. Olsen from Dayton?</p>
<p style="text-align: right;">Page 103</p> <p>1 but seeing it, yes. I believe that at the time I 2 was working, I was answering some questions from 3 this Anthony Clunies about some setup and some 4 configuration stuff that they were doing. And I 5 guess I thought that he should know about the issue. 6 Q. So you alerted Mr. Clunies from the 7 Toronto Transit Commission about this issue and 8 about this test before you alerted Clever, right? 9 A. I don't know what time the e-mail was sent 10 to Clever, but according to this I hadn't yet 11 drafted it or I maybe had it in draft. 12 I would have to refresh my memory on 13 when exactly I sent them to Clever Devices. 14 Q. And when you said we actually pushed out a 15 tweet on them about a detour for a bridge, who are 16 you referring to when you say we? 17 A. Myself and Mr. Pable, in terms of him 18 typing and me pressing enter as previously stated. 19 Q. If you could turn to the second page of 20 CTA Exhibit 4. This is part of what you forwarded 21 to Mr. Clunies. 22 Let me know when you see it. It's an 23 e-mail from you to someone at greater Dayton RTA. 24 A. Yes, I see that there. I forwarded the</p>	<p style="text-align: right;">Page 105</p> <p>1 A. I did in consultation with Chris. 2 Q. And why did you decide to alert Dayton in 3 this way? 4 A. Chris had told me in some communications 5 over the weekend that there's sort of a responsible 6 disclosure. And when you touch somebody else's site 7 and have impacted them, you have a responsibility of 8 notifying them of what you did and what you found. 9 And I pondered on that and thought on 10 that over the weekend, this occurring from a Friday 11 business day and then this is, as we could see here 12 8:21 a.m. on Monday, August 20. So pretty much the 13 beginning of the next business day. And I found 14 this e-mail address of this Jessica Olsen and 15 e-mailed her the story of what was done. 16 Q. So you were communicating with Mr. Pable 17 over the weekend about what to do next after you 18 conducted the Dayton test? 19 A. Yes. I was distraught over sort of that 20 we did this and that it worked and shoot, we've got 21 this security hole and oh, darn, a tweet went out 22 that we didn't know that was going to happen. 23 So regret on executing it and yes, there 24 was a communication between myself and Mr. Pable, as</p>

<p style="text-align: right;">Page 106</p> <p>1 there was most weekends.</p> <p>2 Q. Were those communications over Signal?</p> <p>3 A. They would have been over Signal.</p> <p>4 Q. So those communications would have been</p> <p>5 purged when you conducted that purging in the</p> <p>6 Starbucks in November of 2018?</p> <p>7 A. They would have been purged from my phone</p> <p>8 at that moment.</p> <p>9 Q. Do you know if they would have been purged</p> <p>10 from Mr. Pable's phone?</p> <p>11 A. I don't know what his settings or what he</p> <p>12 did with his messages.</p> <p>13 Q. Can you say that again?</p> <p>14 A. I deleted them from my phone at that</p> <p>15 Starbucks. I can't speak to what happened to his.</p> <p>16 Q. When you were with Mr. Pable when you were</p> <p>17 purging your phone at the Starbucks, did he take any</p> <p>18 action on his phone to purge materials?</p> <p>19 A. I don't know. I don't recall.</p> <p>20 Q. Did he say he was going to do that to you?</p> <p>21 A. I don't know if he told me that messages</p> <p>22 had already been removed from his phone or that it</p> <p>23 was a moot point.</p> <p>24 I don't recall any of the conversation</p>	<p style="text-align: right;">Page 108</p> <p>1 A. No reason. I think that they were maybe</p> <p>2 easier e-mails to write, and I felt a little bit</p> <p>3 more time sensitive, particularly the Jessica Olsen</p> <p>4 one. Since we had interjected a tweet in their</p> <p>5 system on Friday, I felt that that was the higher</p> <p>6 priority.</p> <p>7 So I composed that e-mail it looks like</p> <p>8 within about 20 or 40 minutes. I would typically</p> <p>9 arrive at 7:45 in the morning. So this was the</p> <p>10 first thing that I did. Forwarding it to Clunies, I</p> <p>11 don't know what other communication I had with him.</p> <p>12 Maybe he was already in my inbox, and I was oh, let</p> <p>13 me send this to him. I don't know.</p> <p>14 Q. Can you turn your attention to CTA</p> <p>15 Exhibit 5 and go to the third page of CTA Exhibit 5.</p> <p>16 Let me know when you're there.</p> <p>17 A. Exhibit 5, third page.</p> <p>18 Q. And it should begin with on August 20,</p> <p>19 2018 at 1757. Do you see this?</p> <p>20 A. Yes, I do.</p> <p>21 Q. And this is an email that you drafted to</p> <p>22 Craig Lang at Clever Devices, correct?</p> <p>23 A. Correct.</p> <p>24 Q. And why did you wait until Monday morning</p>
<p style="text-align: right;">Page 107</p> <p>1 other than that I know that I could send a text</p> <p>2 message to somebody, and they delete it, and it no</p> <p>3 longer exists on their phone.</p> <p>4 I could sent a Signal message to</p> <p>5 somebody and delete it for them, and I could also</p> <p>6 send a message and delete it just for me. So I</p> <p>7 don't know what his status was.</p> <p>8 Q. And he didn't tell you when you were</p> <p>9 purging your phone?</p> <p>10 A. Not to my knowledge.</p> <p>11 Q. So after you communicated with Ms. Olsen</p> <p>12 at the Greater Dayton RTA and Mr. Clunies at</p> <p>13 Toronto, then you determined to let Clever know what</p> <p>14 had happened, right?</p> <p>15 A. Yes. I have to look at this, but I</p> <p>16 believe in here I say that we are in the process of</p> <p>17 drafting a notice to Clever Devices' senior</p> <p>18 management exposing the vulnerability.</p> <p>19 So as early as 08:21 on Monday, the 20th</p> <p>20 there was full intention of drafting and notifying</p> <p>21 Clever Devices.</p> <p>22 Q. Is there a reason that you notified</p> <p>23 Mr. Cluniess from Toronto and Ms. Olsen from Dayton</p> <p>24 RTA before you notified Clever?</p>	<p style="text-align: right;">Page 109</p> <p>1 to send this note to Clever?</p> <p>2 A. This is Monday 1757. So that is p.m. Can</p> <p>3 you restate the question.</p> <p>4 Q. Sure. Why did you wait to Monday to</p> <p>5 notify Clever of the test you conducted on Friday?</p> <p>6 A. I really don't know. I think I decided</p> <p>7 over the weekend mulling it over and in some</p> <p>8 consultation with Chris about responsible</p> <p>9 disclosure, what is called responsible disclosure</p> <p>10 where you find an incident of a security nature, and</p> <p>11 decided that we needed to notify the manager, both</p> <p>12 of Clever Devices and the Dayton folks of what had</p> <p>13 transpired.</p> <p>14 Q. Prior to that were you considering not</p> <p>15 informing anyone that you had conducted the test?</p> <p>16 A. It crossed my mind that really didn't have</p> <p>17 to say anything to anybody. I think the fact that</p> <p>18 it pushed out a Twitter tweet was partly what took</p> <p>19 me over the edge of all right, you really have to</p> <p>20 explain here everything in detail.</p> <p>21 Q. Who drafted this e-mail in CTA Exhibit 5,</p> <p>22 page three from you to Mr. Lang?</p> <p>23 A. I did.</p> <p>24 Q. And did Mr. Pable assist you in drafting</p>

<p style="text-align: right;">Page 110</p> <p>1 this email?</p> <p>2 A. I believe he did.</p> <p>3 Q. Do you recall if Mr. Pable reviewed or 4 edited the email before you sent it?</p> <p>5 A. I recall him looking over my shoulder. I 6 don't recall any substantive changes or suggestions 7 other than maybe a sentence here or hey, clarify 8 that there. That's all I recall.</p> <p>9 Q. You say in the e-mail that my team has 10 identified a security risk to the BusTime 11 application program interface, right?</p> <p>12 A. Yes.</p> <p>13 Q. And you say we actually successfully 14 posted a duplicate alert in Dayton's BusTime. 15 Right?</p> <p>16 A. Yes, I do.</p> <p>17 Q. And when you're referring to my team, who 18 are you referring to?</p> <p>19 A. Myself and Chris.</p> <p>20 Q. When you are referring to we actually 21 successfully posted a duplicate alert, who are you 22 referring to?</p> <p>23 A. The specific action of Chris setting up 24 the command and me pressing or checking to execute</p>	<p style="text-align: right;">Page 112</p> <p>1 includes properties evaluated. Do you see that?</p> <p>2 A. I do.</p> <p>3 Q. And what did it mean for a property to be 4 evaluated in this context?</p> <p>5 A. This would have been the script that I ran 6 in the test script. I remembered that I ran a pearl 7 or W get against this list of BusTime URLs for 8 various properties and determined whether I was able 9 to get the system's time from those systems.</p> <p>10 Q. And so were you the only one who evaluated 11 these properties?</p> <p>12 A. Yes.</p> <p>13 Q. And are you the one that created the 14 mechanism for that evaluation?</p> <p>15 A. Yes.</p> <p>16 Q. Did Mr. Pable assist you in evaluating any 17 of these properties?</p> <p>18 A. Other than providing me the API key, no.</p> <p>19 Q. Was Mr. Pable aware that you were testing 20 and evaluating these other properties?</p> <p>21 A. It would have helped to review the e-mail. 22 So I think he saw that I definitely did that. I 23 can't speak to exactly what transpired on that 24 Friday, whether he knew I was testing a larger list.</p>
<p style="text-align: right;">Page 111</p> <p>1 it.</p> <p>2 Q. Did Mr. Pable when he was reviewing this 3 e-mail ask you to not refer to your team or to we?</p> <p>4 A. I don't recall. I don't think so.</p> <p>5 Q. Did you share this e-mail with any other 6 CTA employees?</p> <p>7 A. I mean at the risk of a sort of a gotcha, 8 I'm sure I forwarded this to others, potentially 9 Jackie Johnston, Thomas Silvestri. I don't know.</p> <p>10 I don't have a history of my e-mails. 11 So you tell me if I pushed this around. I know I 12 sent it to my personal e-mail and my wife. So I 13 know I shared this e-mail.</p> <p>14 Q. On the last page of CTA Exhibit 5, can you 15 look at that, Mr. Haynes. It's also included in the 16 email to Mr. Lang in CTA Exhibit 5 and has a list of 17 properties evaluated. Do you see that?</p> <p>18 A. This is the e-mail to Mr. Lang?</p> <p>19 Q. Right.</p> <p>20 A. You said also included?</p> <p>21 Q. It's a continuation. It's a few pages, 22 right?</p> <p>23 A. Correct.</p> <p>24 Q. So the last page of RTA Exhibit 5, it</p>	<p style="text-align: right;">Page 113</p> <p>1 But it stands to reason that we would have discussed 2 it on the Friday the 17th.</p> <p>3 Q. So the properties were evaluated that you 4 have listed here in CTA Exhibit 5, they were also 5 evaluated on Friday, August 17?</p> <p>6 A. I believe so. I would have to look at 7 history and things. I am pretty sure I did that all 8 on Friday the 17th at or about the same time that we 9 performed the Dayton test.</p> <p>10 Q. Did Mr. Pable object to you performing 11 these evaluations of the other properties?</p> <p>12 A. I don't recall if he did or not. This 13 test is really just asking for the time on servers. 14 So there's no interaction. There's no pushing 15 anything up. So it's certainly a less intrusive 16 test.</p> <p>17 Q. And you don't recall Mr. Pable objecting 18 or sharing concerns that you were conducting that 19 test?</p> <p>20 A. I don't recall.</p> <p>21 Q. Was Mr. Pable, to your knowledge, aware 22 that you were doing those evaluations?</p> <p>23 A. I believe he was. I wouldn't know exactly 24 what we said or talked about on that day. I believe</p>

<p style="text-align: right;">Page 114</p> <p>1 he was aware that I was doing that.</p> <p>2 Q. If you could move up a bit on CTA</p> <p>3 Exhibit 5, Mr. Haynes. On the fourth page of this</p> <p>4 exhibit it has a request. Do you see that language?</p> <p>5 A. Yes, I do.</p> <p>6 Q. And it says we request that the CTA have</p> <p>7 access to the customer alert insert API feature of</p> <p>8 the BusTime in exchange for having found this</p> <p>9 potentially serious security flaw. Please document a</p> <p>10 zero cost quote and provide documentation that</p> <p>11 indicates that we are allowed full access to these</p> <p>12 features of the BusTime API.</p> <p>13 Did you draft that request?</p> <p>14 A. I did.</p> <p>15 Q. And whose idea was it to request a zero</p> <p>16 cost quote from Clever?</p> <p>17 A. Mine and mine alone.</p> <p>18 Q. And did you tell Mr. Pable that you were</p> <p>19 going to make a request for a zero cost quote?</p> <p>20 A. I don't recall specifically discussing it</p> <p>21 with him. He may have seen that in the review of</p> <p>22 the email.</p> <p>23 I may have even typed that after he</p> <p>24 reviewed the draft, I don't recall. But the we</p>	<p style="text-align: right;">Page 116</p> <p>1 A. Correct.</p> <p>2 Q. And then it also copies a number of other</p> <p>3 Clever Devices' employees, right?</p> <p>4 A. Correct.</p> <p>5 Q. And the first paragraph of your e-mail</p> <p>6 where you address Mr. Lang, you say again I am</p> <p>7 apologetic that we tested this serious issue with a</p> <p>8 customer. That was inappropriate as we already knew</p> <p>9 the issue was apparent.</p> <p>10 What do you mean by that, we knew that</p> <p>11 was inappropriate as we knew the issue was already</p> <p>12 apparent?</p> <p>13 A. As I stated earlier, it was already clear</p> <p>14 that this key did what we knew it would do because</p> <p>15 this key let us into both the CTA's test server and</p> <p>16 the CTA's private server.</p> <p>17 And we also know that this key had the</p> <p>18 ability to inject the undocumented service alert</p> <p>19 API. And I had run a test of this against those</p> <p>20 other sites where we were able to pull the time for</p> <p>21 the buses on Route 60 in Dayton.</p> <p>22 So we already knew that this key was an</p> <p>23 issue, and I took it a step further to prove to</p> <p>24 myself that this key did do everything we thought it</p>
<p style="text-align: right;">Page 115</p> <p>1 there is 100 percent the royal me and myself and I</p> <p>2 in reference to requesting a zero cost quote. If</p> <p>3 you'll recall from the earlier discussion, they have</p> <p>4 not provided. Clever Devices, we asked them for a</p> <p>5 quote for this feature in June.</p> <p>6 It is now August, and we don't have</p> <p>7 that. We have now found two security issues. This</p> <p>8 is again somewhat hyperbole, blank threat, so to</p> <p>9 speak, of hey, not for nothing we're helping you</p> <p>10 here. Of course, knowing what I know now, would I</p> <p>11 ever write that, absolutely not.</p> <p>12 Q. Did Mr. Pable ever share concerns with you</p> <p>13 about you making this request for a zero cost quote?</p> <p>14 A. I don't recall discussing this sentiment</p> <p>15 or thought before, during or after.</p> <p>16 Q. Fair enough. And if you could move up in</p> <p>17 CTA Exhibit 5, Mr. Haynes. The first page of CTA</p> <p>18 Exhibit 5. Let me know when you're there.</p> <p>19 A. Yes.</p> <p>20 Q. And the second e-mail on the first page of</p> <p>21 CTA Exhibit 5, this is an e-mail from you to</p> <p>22 Mr. Lang on August 21st, is that correct?</p> <p>23 A. Correct.</p> <p>24 Q. And it copies Mr. Pable, right?</p>	<p style="text-align: right;">Page 117</p> <p>1 would do to another customer and that exposed the</p> <p>2 vulnerability on both systems, and this is my mea</p> <p>3 culpa. This is my apology.</p> <p>4 Q. So Mr. Pable, like you, was also aware and</p> <p>5 knew that the issue was already apparent prior to</p> <p>6 conducting the Dayton test, right?</p> <p>7 A. Yes, and he objected to my direct testing</p> <p>8 of the Dayton system.</p> <p>9 Q. Did he object to you indirectly testing</p> <p>10 the Dayton system?</p> <p>11 A. No. We shared that link, and you proved</p> <p>12 earlier that that link was executed on his computer</p> <p>13 requesting the list of vehicles on Route 60 from</p> <p>14 Dayton on Friday the 17th.</p> <p>15 Q. And at the top of CTA Exhibit 5, this is</p> <p>16 the forward of the chain from you to Jacqueline</p> <p>17 Johnston and Thomas Silvestri at the CTA, correct?</p> <p>18 A. Yes. I'm glad I did state earlier that I</p> <p>19 did send it to those two individuals.</p> <p>20 Q. And you say that they are just for our</p> <p>21 records, right?</p> <p>22 A. I do say just for our records.</p> <p>23 Q. Why did you want to send that to them for</p> <p>24 your records?</p>

<p style="text-align: right;">Page 118</p> <p>1 A. In hindsight, I should never send another 2 e-mail as long as I live, but this was letting them 3 know what was transpiring.</p> <p>4 Jackie was responsible for the planning 5 department side of things and attending our monthly 6 meetings with Clever Devices, and Thomas Silvestri 7 was sort of a project manager. And so I am just 8 cluing them in.</p> <p>9 Q. And you didn't include Mr. Psomas on this 10 exchange, right?</p> <p>11 A. Yes. No.</p> <p>12 Q. Can you turn your attention to CTA 13 Exhibit 8, Mr. Haynes.</p> <p>14 A. Yes.</p> <p>15 Q. And it's the first page, we'll see a full 16 version of the message on CTA Exhibit 8 before the 17 lower half, but the message forwarded is an e-mail 18 message from you to Tim Harrington of Greater Dayton 19 RTA, correct?</p> <p>20 A. Yes. This is a forwarded message that I 21 sent to Tim Harrington of the RTA.</p> <p>22 Q. And then did you forward that message to 23 your personal gmail account?</p> <p>24 A. Yes, I did.</p>	<p style="text-align: right;">Page 120</p> <p>1 A. Correct.</p> <p>2 Q. And so why were you expressing regret?</p> <p>3 A. I think it's pretty apparent from the 4 other exhibits that this sort of triggered a, shall 5 we say, shit storm. And I'm expressing regret for 6 going down this path, and the stress of having to 7 deal with this.</p> <p>8 And by this point on that week, this is 9 Friday of that Monday, and Monday was the 28th. We 10 talked about those e-mails to Clever and to the RTA. 11 It's been a fairly stressful week, and I am 12 regretting my actions the prior week.</p> <p>13 Q. And in this message Mr. Pable or you say 14 to Mr. Pable in paren, just got your text, Chris 15 dot dot dot. Right?</p> <p>16 A. Correct.</p> <p>17 Q. And that would have been a text message he 18 sent you via Signal, right?</p> <p>19 A. Correct.</p> <p>20 Q. So that message would have been purged 21 when you purged the other Signal messages you 22 exchanged with Mr. Pable in November of 2018?</p> <p>23 A. Correct.</p> <p>24 Q. Would you turn to CTA Exhibit 9,</p>
<p style="text-align: right;">Page 119</p> <p>1 Q. Why did you do that?</p> <p>2 A. I guess I wanted a record of it, and I 3 wanted to let my wife know. And it looks like I 4 copied Chris. This is just pure stupidity.</p> <p>5 Q. Can you repeat that?</p> <p>6 A. This is just pure stupidity of sending an 7 e-mail from work to not only my personal account, 8 but that of Mr. Pable and my wife.</p> <p>9 Q. So why did you send it to Mr. Pable's 10 gmail account?</p> <p>11 A. I don't know. I think this is just me 12 Friday, August 24 in the afternoon being concerned 13 about the e-mail that I sent to Mr. Harrington.</p> <p>14 I thought there was a reply. This is me 15 expressing exasperation and frustration offline to 16 my wife and my friend Chris Pable. And I started 17 off with ugh, which I believe is exasperation.</p> <p>18 Q. At the top of CTA Exhibit 8 is an email, a 19 note, as you said, to your wife and Chris Pable at 20 their personal e-mail accounts, right?</p> <p>21 A. And it looks like it's from my personal 22 e-mail as well.</p> <p>23 Q. Right. And you said I guess I just wish 24 we never did this last week. Right?</p>	<p style="text-align: right;">Page 121</p> <p>1 Mr. Haynes. Let me know when you see it.</p> <p>2 A. I'm there.</p> <p>3 Q. This is another e-mail you sent to 4 Mr. Pable to his gmail from your gmail account, 5 correct?</p> <p>6 A. Correct.</p> <p>7 Q. In it again it has that exchange we were 8 just looking at with Mr. Harrington's note and then 9 you saying ugh, et cetera, on August 24th. Right?</p> <p>10 A. Correct.</p> <p>11 Q. And then you also on August 24 sent an 12 e-mail that identifies patched and vulnerable 13 transit systems, is that right?</p> <p>14 A. Correct.</p> <p>15 Q. What did that mean?</p> <p>16 A. I ran the script that generated the list 17 that we looked at on the August 20th afternoon 18 e-mail to Mr. Lang, where I listed properties and 19 whether they were affected.</p> <p>20 I ran that script again. It failed on 21 the ones listed as patched, and it still succeeded 22 on the ones listed as vulnerable.</p> <p>23 Q. Did you make Clever aware that you were 24 running these evaluations or tests on August 24?</p>

<p style="text-align: right;">Page 122</p> <p>1 A. No.</p> <p>2 Q. And why were you using your gmail account 3 to share that information with Mr. Pable?</p> <p>4 A. Probably just responding to this thread, 5 and I had started it as gmail as sort of outside of 6 the purview of CTA.</p> <p>7 So the risk of purging myself, I was 8 communicating work related stuff on a nonwork 9 related email. Not proud, but that's what happened.</p> <p>10 Q. And Mr. Pable responded from his gmail 11 account and said curious about wmta, is that 12 correct?</p> <p>13 A. Correct.</p> <p>14 Q. Mr. Pable is referring to being curious 15 about the Washington metro transit, is that right?</p> <p>16 A. Yes, Washington Metropolitan Area Transit 17 Authority.</p> <p>18 Q. And you confirmed with Mr. Pable that that 19 system does not use the BusTime or BusTime alerts, 20 right?</p> <p>21 A. Correct.</p> <p>22 Q. And did you use this e-mail, your gmail 23 account on your CTA work computer?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 124</p> <p>1 A. Correct.</p> <p>2 Q. And then Mr. Harrington responds directly 3 to you. Now, I'm looking at the second page of CTA 4 Exhibit 10, right?</p> <p>5 A. Correct.</p> <p>6 Q. Yes?</p> <p>7 A. Yes.</p> <p>8 Q. And Mr. Harrington in that e-mail in the 9 third paragraph says, "In the future, will you 10 please let me know prior to attempting such quote 11 testing? Question mark. My boss, our CFO, was 12 quite concerned and is considering whether we should 13 be considering legal action against you."</p> <p>14 Do you see that?</p> <p>15 A. Yes, I do.</p> <p>16 Q. And what did you take that to mean, 17 Mr. Haynes?</p> <p>18 A. Exactly what it stated. There is a second 19 sentence there. "I am working to convince her you 20 did not do or intend to do any harm."</p> <p>21 And that actual statement that I did not 22 do or intend to do any harm, but it's clearly a 23 reaction from internal to the Dayton RTA.</p> <p>24 Q. So did you understand that Dayton could</p>
<p style="text-align: right;">Page 123</p> <p>1 Q. And was Mr. Pable using his CTA work 2 computer to correspond with you via gmail?</p> <p>3 A. I don't know if that or his phone.</p> <p>4 Q. Would you both have been at work at the 5 time that you were sending these messages?</p> <p>6 A. I could say that I was. I can't speak for 7 Mr. Pable's whereabouts at that exact moment.</p> <p>8 Q. Let's turn to CTA Exhibit 10, Mr. Haynes. 9 And let me know when you're there.</p> <p>10 A. I'm here.</p> <p>11 Q. So if you start at the bottom of CTA 12 Exhibit 10, some of this is going to look familiar, 13 Mr. Haynes.</p> <p>14 The last e-mail in this chain in CTA 15 Exhibit 10 is the message you sent to Jessica Olsen 16 at the Greater Dayton RTA, right?</p> <p>17 A. Correct.</p> <p>18 Q. And you copied Mr. Pable on that 19 transmission to Dayton?</p> <p>20 A. Correct.</p> <p>21 Q. And then it looks like in CTA Exhibit 10, 22 if you follow up that chain, Jessica Olsen forwarded 23 this note to various individuals who appear to be at 24 the Dayton RTA, right?</p>	<p style="text-align: right;">Page 125</p> <p>1 pursue criminal action against you or Mr. Pable or 2 the CTA?</p> <p>3 MR. LADUZINSKY: I am going to object to you 4 asking him to speculate.</p> <p>5 BY MS. BABBITT:</p> <p>6 Q. You could answer, Mr. Haynes.</p> <p>7 A. I mean I take this at its words. We could 8 even see that I responded to him later that day 9 within the hour.</p> <p>10 Q. Yes. And we'll get to that e-mail, but my 11 question was did you understand that Dayton could 12 bring criminal action against you or Mr. Pable or 13 the CTA?</p> <p>14 A. I wouldn't know. Not being a lawyer, I 15 wouldn't know what the legal action would be.</p> <p>16 Q. Were you concerned that Dayton could bring 17 legal action against you or Mr. Pable or the CTA?</p> <p>18 A. Sure. Of course I was, as evidenced by my 19 response.</p> <p>20 Q. So let's turn to the top of CTA Exhibit 10 21 the first page. And this is a forward from you, 22 Mr. Haynes, right, to Mr. Pable and Mr. Silvestri?</p> <p>23 A. Yes.</p> <p>24 Q. And you said ugh, dot dot dot, now my</p>

<p style="text-align: right;">Page 126</p> <p>1 stomach is churning. Right?</p> <p>2 A. Yes, I do.</p> <p>3 Q. You say that -- well, let me ask you this.</p> <p>4 Why were you feeling like your stomach was churning</p> <p>5 after you were getting this messaging from the</p> <p>6 Dayton RTA folks?</p> <p>7 A. I think anytime anyone gets an e-mail that</p> <p>8 says the word legal action gets concerned. I think</p> <p>9 that that is a fair statement, that I would be</p> <p>10 concerned.</p> <p>11 Q. Did you discuss with Mr. Pable those</p> <p>12 feelings?</p> <p>13 A. I don't know. Looking at the time of</p> <p>14 these e-mails I don't know Mr. Pable's whereabouts</p> <p>15 or what. I can't speak to that.</p> <p>16 Q. Do you recall discussing those feelings</p> <p>17 with Mr. Pable?</p> <p>18 A. I don't.</p> <p>19 Q. And after the test is conducted and you</p> <p>20 had these exchanges with the Dayton folks, did</p> <p>21 Mr. Pable suggest to you that you should alert</p> <p>22 anyone else at the CTA about what had transpired?</p> <p>23 A. I don't know whose idea that was, but the</p> <p>24 very next sentence here states I think we are</p>	<p style="text-align: right;">Page 128</p> <p>1 with them in general terms.</p> <p>2 Q. I'm sorry, you said discuss it and what</p> <p>3 did you say?</p> <p>4 A. Discuss it with Mr. Psomas in more general</p> <p>5 terms that he would understand that there was an</p> <p>6 issue. We found it. We had Clever fix it.</p> <p>7 Q. Was it your intention to not tell</p> <p>8 Mr. Psomas that you had conducted the Dayton test?</p> <p>9 A. I wasn't going to. I didn't even want to</p> <p>10 tell Dayton except that then there was that tweet we</p> <p>11 talked about earlier. We talked about the idea of</p> <p>12 responsible disclosure where when someone finds an</p> <p>13 issue what are the steps one should take to</p> <p>14 responsibly tell people about the risks. So I took</p> <p>15 what steps I could.</p> <p>16 Q. And responsible disclosure is when you</p> <p>17 find a risk, does it entail telling someone after</p> <p>18 you have exploited the risk or did you tell them</p> <p>19 about the risk before there is something done with</p> <p>20 that risk?</p> <p>21 A. It's a leading question, but I stated</p> <p>22 before that my regret is I should have discussed</p> <p>23 this more before testing deeper.</p> <p>24 Q. So ultimately you do decide to tell</p>
<p style="text-align: right;">Page 127</p> <p>1 through this. I suppose I should inform Jim and</p> <p>2 Veronica maybe next week.</p> <p>3 Q. Is that to say that it was your idea to</p> <p>4 inform the supervisors at the CTA of what had</p> <p>5 happened?</p> <p>6 A. When I wrote that sentence it was in my</p> <p>7 head. Whether that was discussed with Mr. Pable</p> <p>8 prior to that or not, I do not recall.</p> <p>9 Q. You don't recall if you discussed alerting</p> <p>10 your supervisors at the CTA with Mr. Pable?</p> <p>11 A. I recall discussing it from the extent of</p> <p>12 do you think they even understand it or know what's</p> <p>13 going on and to the extent we should probably keep</p> <p>14 this to ourselves until the security issue is</p> <p>15 actually resolved.</p> <p>16 Q. When you say you wanted to keep the</p> <p>17 security issue to yourself until it was resolved,</p> <p>18 did you include in that that you didn't want</p> <p>19 Ms. Alanis or Mr. Psomas to know about the security</p> <p>20 issue until it was resolved?</p> <p>21 A. Right. Ms. Alanis would not have the</p> <p>22 capability to understand this and would likely</p> <p>23 overreact to me anyway. And so I wanted to make</p> <p>24 sure that we were past it and discussed the issue</p>	<p style="text-align: right;">Page 129</p> <p>1 Mr. Psomas something about these issues, right?</p> <p>2 A. Yes. There was an email the following</p> <p>3 week. And I'm sure you have it in the exhibits, and</p> <p>4 we could discuss it.</p> <p>5 Q. Great. Let's do that. So if you could</p> <p>6 turn to CTA Exhibit 40 and let me know when you're</p> <p>7 there.</p> <p>8 A. We're there.</p> <p>9 Q. Okay. So Exhibit 40, Mr. Haynes. This is</p> <p>10 an e-mail from Mr. Pable to you dated August 31,</p> <p>11 2018. Correct?</p> <p>12 A. Yes.</p> <p>13 Q. And this appears to be an e-mail drafted</p> <p>14 to Jim on your behalf that Mr. Pable sent to you.</p> <p>15 Right?</p> <p>16 A. Yes. It looked like we worked on this</p> <p>17 together possibly at his machine and interacted it</p> <p>18 and sent it to me to ultimately cut and paste and</p> <p>19 send to Mr. Psomas.</p> <p>20 Q. Could you tell me what you recall about</p> <p>21 discussing the drafting of this e-mail with</p> <p>22 Mr. Pable?</p> <p>23 A. I don't know other than we must have been</p> <p>24 discussing this shortly after lunch on Friday,</p>

<p style="text-align: right;">Page 130</p> <p>1 August 31 and discussed how best to go about 2 informing more senior management. 3 Q. Did you ask Mr. Pable to draft this for 4 you? 5 A. I'm sure that I did if he's emailing me a 6 draft. 7 Q. Did Mr. Pable object or have any concerns 8 about drafting this e-mail for Mr. Psomas? 9 A. I don't know if he replied or we did this 10 together. 11 Q. I'm sorry, you cut out a little there. Can 12 you repeat your answer? 13 A. I don't believe so. I don't believe so, 14 if he replied or if we worked on this together. 15 Q. Do you recall if Mr. Pable was sitting at 16 his computer and typing this while you observed? 17 A. I believe so. This looks like something 18 we would have done over each others' shoulders kind 19 of thing. 20 Q. Would you have been dictating what the 21 e-mail said to Mr. Pable or would you have been 22 drafting it in collaboration with Mr. Pable? 23 A. Both would be reasonable. 24 Q. Did Mr. Pable suggest that you inform</p>	<p style="text-align: right;">Page 132</p> <p>1 deeper. 2 And I indicate that there were others 3 without going into the detail of both the specific 4 Dayton test with the duplicate post or provided him 5 with a list of vulnerable slash now patched 6 locations. 7 Q. Did Mr. Pable suggest that you be more 8 specific in this e-mail to Mr. Psomas about the 9 Dayton test? 10 A. I honestly don't recall. 11 Q. And was anyone else present when you and 12 Mr. Pable were drafting this e-mail in CTA 13 Exhibit 40? 14 A. Not to my knowledge. Other coworkers in 15 the distance, but not to my knowledge and nobody 16 else worked on this other than he and I. 17 Q. And if you could turn to CTA Exhibit 41. 18 Let me know when you're there, Mr. Haynes. 19 A. We're there. 20 Q. So CTA Exhibit 41 this is the e-mail that 21 you did, in fact, send to Mr. Psomas on August 31, 22 2018, right? 23 A. It appears to be. 24 Q. And you copied Mr. Pable on this e-mail?</p>
<p style="text-align: right;">Page 131</p> <p>1 Mr. Psomas in this e-mail that you or you and 2 Mr. Pable, in fact, conducted a test on the Dayton 3 system? 4 A. Could you repeat the question. 5 (Question read) 6 A. I'm sure we discussed it collaboratively 7 creating this e-mail. 8 Q. So if we look at this email, the language 9 that is in the third sentence says we also verified 10 other properties that have Clever BusTracker such as 11 Greater Dayton Regional Transit Authority were 12 affected. Right? 13 A. I see that sentence. 14 Q. And was that sentence to you informing 15 Mr. Psomas that you or you and Mr. Pable, in fact, 16 tested the Dayton system? 17 A. That was my intent. I did not believe 18 that the details of that test, as mentioned, I am 19 keeping it pretty general. 20 In hindsight, I wish I had been very 21 specific so that Mr. Psomas could have also been 22 implicated in this, but I kept it general and 23 explained that we found a vulnerability. We tested 24 it. I called out the specific site that we tested</p>	<p style="text-align: right;">Page 133</p> <p>1 A. According to this I did. 2 Q. And this e-mail it has some modifications 3 from CTA Exhibit 40, but the substance of it is 4 effectively the same in what you informed 5 Mr. Psomas, is that fair? 6 A. Fair. 7 Q. And in this e-mail again you are not 8 specific about the test that you conducted on the 9 Dayton system, right? 10 A. Correct. 11 Q. And after you sent this note to 12 Mr. Psomas, did you follow up or discuss it with 13 Mr. Psomas in the weeks that followed this e-mail? 14 A. I believe I did in person. I don't know. 15 It would be nice to see if Mr. Psomas replied to 16 this. I don't know. 17 I don't recall a reply. It was sort of 18 a moot and final issue. We were sort of closing out 19 the issue, and this was my message to sort of inform 20 and close the loop, close the issue. 21 Q. I could represent to you that Mr. Psomas 22 replied thanks to this e-mail I think the following 23 Monday or Tuesday, but aside from that 24 representation or that thanks that Mr. Psomas sent</p>

<p style="text-align: right;">Page 134</p> <p>1 to you, did you have any follow-up conversation with 2 Mr. Psomas about this issue?</p> <p>3 A. Not to my knowledge. As I mentioned 4 earlier, I don't think he would understand the 5 technical side of it anyway.</p> <p>6 Q. And this e-mail that you sent to 7 Mr. Psomas was August 31, 2018, right?</p> <p>8 A. Correct.</p> <p>9 Q. So that is two weeks after you conducted 10 the Dayton test?</p> <p>11 A. Correct.</p> <p>12 Q. Is there a reason that you waited two 13 weeks to tell Mr. Psomas about this in the way that 14 you did?</p> <p>15 A. First was the fact the 17th was a Friday. 16 I responded that prior week was a challenging week 17 with the e-mails to Clever and Dayton and apparently 18 TTC.</p> <p>19 That concluded, that Friday the 20th, I 20 believe, concluded with the e-mail we talked about 21 from Tim Harrington of the Dayton RTA. The 22 following week would have been when Clever was 23 patching other sites and patched our own site -- I 24 know they patched our site that week. I waited</p>	<p style="text-align: right;">Page 136</p> <p>1 Should we come back around 1:25?</p> <p>2 THE VIDEOGRAPHER: Off the record. The time on 3 the monitor is 12:46 p.m.</p> <p>4 (Recess)</p> <p>5 THE VIDEOGRAPHER: We are back on the record.</p> <p>6 The time on the monitor is 1:32 p.m.</p> <p>7 BY MS. BABBITT:</p> <p>8 Q. Mr. Haynes, right before we broke for 9 lunch we were talking about what you were sharing or 10 deciding to share with Jim Psomas about the Dayton 11 test.</p> <p>12 And you had said that one of your 13 concerns was that Mr. Psomas would not be able to 14 understand technologically what had happened. Is 15 that right?</p> <p>16 A. Correct. He wasn't versed in our role.</p> <p>17 Q. Can you explain specifically what 18 Mr. Psomas, what you believe he wouldn't be able to 19 understand?</p> <p>20 A. Just the nuances of the seriousness of 21 the implications and the wherewithall of what this 22 ultimately meant for our operation.</p> <p>23 I felt that I was the subject matter 24 expert on all things BusTracker at the CTA, and I</p>
<p style="text-align: right;">Page 135</p> <p>1 until I felt that the issue was past us.</p> <p>2 Q. And when you say the issue is past us, 3 what do you mean by that?</p> <p>4 A. There's no more followup from the Dayton 5 RTA. There's no more followup from Clever. Clever 6 issued a security bulletin or patch, and the issue 7 is in my opinion closed out.</p> <p>8 Q. And you had mentioned that you didn't 9 explain or go into further detail with Mr. Psomas 10 the issues of the Dayton test because you didn't 11 believe that he would understand the technical 12 issues, right?</p> <p>13 A. That, and you saw that I felt like what I 14 did was wrong. And the last I checked you don't 15 generally scream from the rooftops what you did 16 wrong if you feel you made a mistake. I made a 17 mistake.</p> <p>18 Q. Is it fair you were sort of sending this 19 vaguer e-mail to Mr. Psomas because you wanted to 20 check the box in letting him know without letting 21 him know what you had done wrong?</p> <p>22 A. That would be a fair assessment.</p> <p>23 MS. BABBITT: I think it would be a good time 24 to take a lunch break, if that's okay with you.</p>	<p style="text-align: right;">Page 137</p> <p>1 felt it best to resolve this internally in my group.</p> <p>2 For example, Mr. Psomas rarely if ever came to our 3 check in meetings with Clever Devices. So he didn't 4 really have a handle on the customer alert API and 5 the request for a quote and all of the different 6 pieces of the puzzle.</p> <p>7 Q. So was it part of your job to make 8 Mr. Psomas aware when things needed to bubble up to 9 his level?</p> <p>10 A. Clearly, at the end of the day CTA thought 11 so and discharged me for misconduct.</p> <p>12 Q. Do you think that was part of your job 13 duty?</p> <p>14 A. I should have brought it to his attention, 15 but he really didn't support me or my work. So I 16 didn't see the immediate need. Plus like anything 17 else, I made a mistake. And it's not necessarily 18 something I necessarily wanted to do.</p> <p>19 Q. And when you say not something you 20 necessarily wanted to do, you mean you didn't want 21 to explain it in full to Mr. Psomas?</p> <p>22 A. Correct.</p> <p>23 Q. And you've said that you made a mistake, 24 and I think you said it was wrong for you to do the</p>

<p style="text-align: right;">Page 138</p> <p>1 Dayton test and for the Dayton test to be conducted. 2 Likewise, was it wrong for Mr. Pable to 3 prepare the Dayton test and to work with you in 4 developing the Dayton test? 5 A. He was acting at my direction. 6 Q. Did you force him in any way to prepare 7 the Dayton test and to assist you in preparing it? 8 A. No. 9 Q. And didn't Mr. Pable also have an 10 obligation to report this if it was wrongdoing even 11 if he thought he wasn't the actor? 12 A. I think he felt he was reporting it to me, 13 and this was sufficient. 14 Q. Could Mr. Pable have reported the issue to 15 anyone else aside from you? 16 A. I suppose so. 17 Q. Who could he have reported it to? 18 A. If he chose, he could have gone directly 19 to Mr. Psomas or I think that there was a Mike 20 Radojcic. I don't know how to spell the last name, 21 but he was chief security officer. But likewise, he 22 wasn't involved in our daily business. 23 Q. Anyone else that Mr. Pable could have 24 reported this issue to?</p>	<p style="text-align: right;">Page 140</p> <p>1 addressed and that the issue was closed. 2 In my opinion, the issue was closed. 3 Clearly, in Clever Devices' opinion it wasn't. 4 Q. And did you ever discuss at any point in 5 time with Mr. Pable that you would sort of take the 6 fall for him on this? 7 A. I never discussed it as take the fall 8 because I never felt that this was anything that 9 serious. I think it's very clear in my 10 communications that I take and maintain full 11 responsibility for the actions of directly the test 12 on the Dayton system as well as my own testing of 13 grabbing time stamps from the other various systems. 14 So in my communication I clearly 15 apologized and take responsibility for the actions. 16 Q. In your view, did Mr. Pable have any 17 responsibility for what happened? 18 A. To the extent that he found the key, and 19 alerted me to it. I mean if he never found the key, 20 we wouldn't be sitting here today. But what was 21 done with that key and the testing that was done 22 with that key and e-mails or lack of e-mails, post 23 use of that key, was really all of my own doing. 24 Q. Did you ever tell Mr. Pable not to</p>
<p style="text-align: right;">Page 139</p> <p>1 A. Not that I'm aware of. 2 Q. I mean I guess the reason I was hung up on 3 saying that Mr. Psomas wouldn't understand, I will 4 certainly submit I am one of the least technical 5 people on this Zoom. 6 I am sure I am less technical than you 7 and Mr. Pable and Mr. Psomas as well, and I think 8 you have been able to explain it to me in this 9 deposition. So are there things you explained to me 10 that you didn't expect Mr. Psomas to understand? 11 A. I guess -- well, I wasn't looking to go 12 down the rabbit hole of all that transpired and 13 exposing all of the mistakes that I felt I made with 14 my management, who was already not supportive of me. 15 So to the extent that I am stating that 16 Mr. Psomas wouldn't understand, I am not necessarily 17 meaning strictly from a technological standpoint, 18 although he is far less technical than his 19 subordinates. 20 I am saying that he wouldn't understand 21 the nuances of the relationship with Clever Devices 22 and the intricacies of these various systems. And I 23 didn't really want to go down the exposition of 24 things that I did wrong that I felt had already been</p>	<p style="text-align: right;">Page 141</p> <p>1 disclose this to anyone? 2 A. I don't recall directly saying not to tell 3 anyone. 4 Q. Did you ever tell Mr. Pable not to e-mail 5 about this to anyone? 6 A. The same question. The same answer. I 7 don't recall telling him not to e-mail or to 8 communicate this with anyone. 9 Q. I think you mentioned that you didn't 10 think Mr. Psomas was supportive of you. Can you 11 explain what you mean by that? 12 A. It was clear that Mr. Psomas reported to 13 Veronica, and there's a long string of conversations 14 about trying to get myself adequately compensated 15 and fairly compensated. 16 I was not a senior manager. I had been 17 promised to be promoted to senior manager quite a 18 number of times and was never, never really cared 19 about or looked after. And if you are not getting 20 the respect that you deserve at work you really 21 don't want to go in and say you screwed up in order 22 to try to gain that respect. 23 Q. So did you ask Mr. Psomas for raises or 24 for promotions?</p>

<p style="text-align: right;">Page 142</p> <p>1 A. Absolutely. It had been a long standing 2 discussion both for myself and looking after my 3 staff.</p> <p>4 Previously, I looked after another 5 individual on my staff. And then I was looking for 6 a raise for Mr. Pable, as well as being made senior 7 manager myself, having watched folks with far less 8 skills and experience being promoted.</p> <p>9 Q. Who was the other individual aside from 10 Mr. Pable that you said you were looking out for?</p> <p>11 A. I was successful in getting a raise for 12 Reginald Davis. He worked for me before then, 13 transferring to the control center.</p> <p>14 He had not been given a raise in many, 15 many years. So I pushed hard and was successful 16 there. And I took my sort of -- I don't want to say 17 fight, but my direction push towards getting 18 Mr. Pable more adequately and properly compensated 19 with his skills and benefits to the agency as well 20 as my own.</p> <p>21 Q. And was that in 2018 that you were making 22 those requests?</p> <p>23 A. Yes. Reginald Davis stuff, we were 24 talking about I believe was 2017. Every other year</p>	<p style="text-align: right;">Page 144</p> <p>1 Q. In 2018, you were asking Mr. Psomas for a 2 promotion and raise for yourself, correct?</p> <p>3 A. Absolutely. I long deserved the title of 4 senior manager of the department.</p> <p>5 Q. And you were also asking Mr. Psomas for a 6 raise on Mr. Pable's behalf?</p> <p>7 A. Correct.</p> <p>8 Q. That was correct?</p> <p>9 A. Correct. Affirmative.</p> <p>10 Q. Thank you. And you were aware that in 11 October of 2018, Mr. Psomas was speaking to CTA HR 12 and suggesting that you and Mr. Pable receive 13 raises?</p> <p>14 A. I believe I was. I kind of discussed it 15 with him on a near weekly basis. So yes. I didn't 16 know that he was actually taking that up the chain.</p> <p>17 Q. Did Mr. Psomas tell you that he was, in 18 fact, taking it to HR or up the chain?</p> <p>19 A. I don't think in so many words, but I 20 think he said I'm working on it. I don't know what 21 I'm working on it means, but he would indicate that 22 he was working on it.</p> <p>23 Q. I want to turn now to Mr. Pable. And 24 again this is in 2018. At some point in 2018, did</p>
<p style="text-align: right;">Page 143</p> <p>1 I would kind of push with various folks on my staff.</p> <p>2 Q. And did you receive any raises from 2015 3 to 2018?</p> <p>4 A. I believe that I was promoted to manager 5 in early 2015 by a then Mr. John Flynn, who was the 6 chief technology officer.</p> <p>7 I was promoted days after a merit based 8 raise that went to all employees. So effectively 9 even when CTA did care enough about me to give me a 10 promotion, they made sure to do it after everyone 11 got a promotion, bonus, raise. Which, as you know, 12 if you got the raise first, the promotion first and 13 then the raise it would actually be more and 14 correct. I was substantially underpaid from others 15 of my peers at CTA.</p> <p>16 Q. When you said you were promoted in early 17 2015, was Mr. Psomas your supervisor then?</p> <p>18 A. No, I don't believe he was there yet. I 19 don't know exactly when he started with the CTA.</p> <p>20 There was a John Flynn and a woman named 21 Heamus Doran, who reported to John Flynn, and I 22 reported to Heamus. And then she pushed John Flynn 23 out and became the head. It is a revolving door of 24 senior managers.</p>	<p style="text-align: right;">Page 145</p> <p>1 Mr. Pable inform you that he was going to have a 2 surgery done?</p> <p>3 A. Yes.</p> <p>4 Q. What did he tell you about the surgery?</p> <p>5 A. I don't want to violate personal health 6 protection information, but that he was getting some 7 surgery related to his rapid weight loss that he had 8 done on natural causes and that he needed fairly 9 significant surgery.</p> <p>10 We talked about it. I don't want to say 11 at length, but we would go for a walk on occasion, 12 and he would tell me some personal life issues. And 13 that he was going to be getting a surgery and that 14 he was planning on that for late fall of 2018, 15 possibly even December.</p> <p>16 I don't remember the exact dates.</p> <p>17 Mostly giving me the advance heads up that he would 18 need to be out for a week and then possibly work 19 from home for a period of time.</p> <p>20 Q. So let me ask you this. Do you recall 21 when Mr. Pable informed you that he would be 22 planning a surgery in 2018?</p> <p>23 A. I don't recall the conversation, when it 24 was first broached. I'm sure it was broached</p>

<p style="text-align: right;">Page 146</p> <p>1 earlier on from a general perspective and then as 2 things I guess were firming up, at some point he 3 would have told me the target date, target time 4 range, which I was just tucking in the back of my 5 mind for general project manager staff management.</p> <p>6 Q. And I think you said he expected to be out 7 for a week due to the surgery, is that right?</p> <p>8 A. That's my recollection. And then that 9 there would be fairly significant period of time 10 where it might be best for him to work from home.</p> <p>11 And I said yes, we could accommodate 12 that. And I have worked with various bureaucracies 13 with CTA to make sure that that happened, reasonable 14 accommodation.</p> <p>15 Q. Was anyone else present when you discussed 16 the planning around Mr. Pable taking time off for 17 his surgery?</p> <p>18 A. No. We would have had those conversations 19 in private on a walk around the building or outside 20 or a Starbucks or something. Or if it were in the 21 building he would have pulled me into a conference 22 room.</p> <p>23 Q. And so in addition to the week off that he 24 expected to need, you said he would likely work from</p>	<p style="text-align: right;">Page 148</p> <p>1 with you?</p> <p>2 A. Yes, that request would start with me.</p> <p>3 CTA being fairly bureaucratic with a fair amount of 4 paperwork, I suppose he could have gone directly to 5 HR and then I would be notified through HR if he 6 wanted to keep it more -- but we had a personal 7 relationship, and it was easy to initiate those 8 conversations.</p> <p>9 And when the timing was right, we would 10 call the necessary places for sort of FMLA or work 11 departure time off and then ADA reasonable 12 accommodations upon return.</p> <p>13 Q. And was the leave something you had the 14 ability to approve or deny?</p> <p>15 A. At least tangentially. You would have to 16 go from me up to a number of signatures. I'm sure 17 Mr. Psomas would have been involved. If you are 18 talking about a request for leave, a hypothetical 19 request for leave post our termination, yes, it 20 would have started with me and would have gone to 21 HR. And would have gone to my management.</p> <p>22 Q. And just to be clear, I'm not speaking in 23 the hypothetical. I guess I want to know from you, 24 one, did Mr. Pable request leave from you?</p>
<p style="text-align: right;">Page 147</p> <p>1 home for some period of time, is that right?</p> <p>2 A. I believe we had discussed that that was a 3 possibility depending on the outcome.</p> <p>4 Q. Is that something that you had seen be 5 accommodated at the CTA before?</p> <p>6 A. Absolutely. We even did the same with 7 Mr. Pable. At one point he slipped and fell on ice 8 just outside of CTA headquarters and had hurt his 9 knee or hip, I believe.</p> <p>10 And we went through all of the proper 11 paperwork to have reasonable accommodation so he 12 could work from home for a period of, it feels like 13 a month, maybe two. I don't remember exactly when 14 that was except it would have been cold when that 15 started.</p> <p>16 Q. Was Mr. Psomas the manager at the time 17 that Mr. Pable took that work from home?</p> <p>18 A. No. That would have been when I was 19 reporting to Heamus Doran, either in her role as the 20 acting chief technology officer with a vacancy or 21 her role as kind of doing both jobs, being my boss 22 and being my boss's boss.</p> <p>23 Q. So was Mr. Pable, if he wanted to take a 24 leave, is that something that he needed to request</p>	<p style="text-align: right;">Page 149</p> <p>1 And then let's have you answer that and 2 then I'll follow up.</p> <p>3 A. He indicated that he would be having a 4 medical procedure at some point in the near future, 5 three month window.</p> <p>6 I believe he gave me a more specific 7 date range and began to initiate the I am going to 8 need to take a week off, and I might need to stay 9 home and work from home after that as part of 10 recovery. That is the extent of the request.</p> <p>11 Nothing formal, nothing written. I probably 12 mentioned it to Mr. Psomas in general passing that 13 hey, coming up I'm going to need to do whatever 14 paperwork or Mr. Pable might need to work from home 15 for a period of time.</p> <p>16 I don't think anything written or 17 documented other than all I was going to do is pull 18 up the documents that he did when he slipped and 19 fell on the ice and needed time and pull the same 20 administrative procedures and follow the steps.</p> <p>21 Q. Aside from Mr. Pable alerting you to this 22 request, did you take any further steps in that 23 process to get him approved for leave?</p> <p>24 A. There was nothing to do until it got</p>

<p style="text-align: right;">Page 150</p> <p>1 closer, and I got confirmation and understood what 2 was needed.</p> <p>3 Q. When you say you got confirmation, would 4 that be confirmation from Mr. Pable?</p> <p>5 A. Correct.</p> <p>6 Q. And do you recall if you, in fact, did 7 inform Mr. Psomas of Mr. Pable's plan to take leave 8 or have a surgery?</p> <p>9 A. As I stated, I'm sure it came up in a 10 sidebar or in a conversation with Mr. Psomas in the 11 weeks leading up in October or September when 12 Mr. Pable indicated it, and I raised it.</p> <p>13 I would have raised it to Mr. Psomas in 14 an oh, by the way, this is something coming up that 15 we might need to work through the administrative 16 procedures. I likely said I've done it before. I 17 know what we need to do or I'll pull out the old 18 paperwork, and we'll figure it out.</p> <p>19 Just to give him the courtesy heads up 20 that one of my staff, ultimately one of his staff 21 was going to be in need of a week's sick time and 22 potentially work from home.</p> <p>23 Q. What was Mr. Psomas' reaction if you 24 recall?</p>	<p style="text-align: right;">Page 152</p> <p>1 is that correct?</p> <p>2 A. That is a Monday. Correct.</p> <p>3 Q. Was this a paid leave?</p> <p>4 A. It was a paid administrative leave.</p> <p>5 Q. And how did you come to know that you were 6 being placed on leave?</p> <p>7 A. I had left the building early that day and 8 had walked a block away to take a personal phone 9 call at a Starbucks.</p> <p>10 While on that personal phone call, shall 11 I say my phone blew up with messages. My boss Jim 12 Psomas was looking for me and requesting my 13 presence. I said I haven't left the area. I could 14 come back. I returned to the CTA headquarters, 15 which I had just departed merely 45 minutes prior. 16 And my employee ID would no longer let me in the 17 building.</p> <p>18 And I called I think an employee, a 19 colleague of mine came out of the building, and I 20 asked her. I think it was Jackie or I called Jackie 21 and said could you go and tell Jim, Mr. Psomas that 22 I am here because it seemed like there was an urgent 23 need to meet with me. And I said I was outside the 24 building.</p>
<p style="text-align: right;">Page 151</p> <p>1 A. Probably just if I am recall correctly 2 probably thanks for letting me know. Sounds like 3 you'll take care of it and keep me in the loop or 4 whatever. I am purely speculating from a sidebar or 5 a casual conversation on my end.</p> <p>6 Q. Did Mr. Psomas ever indicate to you that 7 he would not approve Mr. Pable taking this time off?</p> <p>8 A. No, there was no indication.</p> <p>9 Q. Did you tell Mr. Pable that you spoke to 10 Mr. Psomas about this issue?</p> <p>11 A. Perhaps in passing. I really can't say 12 one way or the other definitively. If there were 13 any concerns I would have raised them with 14 Mr. Pable, and we would have discussed it.</p> <p>15 Q. Did you notice that Mr. Psomas, did he 16 treat Mr. Pable different in any way after the point 17 in time that you may have disclosed this leave about 18 Mr. Pable?</p> <p>19 A. No. Mr. Psomas had very little 20 interaction with Mr. Pable as it was. And I would 21 not notice.</p> <p>22 Q. I want to turn now to the time when you 23 were placed on administrative leave at the CTA. You 24 were placed on leave on or about October 22, 2018,</p>	<p style="text-align: right;">Page 153</p> <p>1 An HR person, Mr. Mike Bowen, I believe, 2 B-o-w-e-n, met me on the street and handed me a blue 3 personal CTA envelope and contained inside was a 4 notification that I was being placed on paid 5 administrative leave pending an internal 6 investigation.</p> <p>7 He subsequently confiscated my badge, 8 and I was left to find my own way home because I 9 didn't even have a transit card. And I had to take 10 an Uber home, quite distraught and quite shaken.</p> <p>11 Q. Did you ask Mr. Bowen any questions once 12 he handed you that notice of leave?</p> <p>13 A. Of course, I did. And he had no answers.</p> <p>14 Q. What questions did you ask Mr. Bowen?</p> <p>15 A. I am being placed on administrative leave.</p> <p>16 What is the subject of the investigation, what is 17 this concerning. What do I have to do next?</p> <p>18 Place yourself in that position of being 19 told you're on two weeks paid administrative leave 20 with no other details. Those sort of questions.</p> <p>21 Q. You said that Mr. Bowen didn't provide you 22 any answers to those questions?</p> <p>23 A. To my knowledge, no. He was you'll be 24 contacted or something to that effect.</p>

<p style="text-align: right;">Page 154</p> <p>1 Q. When were you contacted next by the CTA?</p> <p>2 A. I believe the next morning Mr. Psomas reached out to me via my personal e-mail asking if I had any items from CTA in my possession and to make arrangements to return them to the CTA.</p> <p>6 I had a CTA work laptop that I kept at home, and I think I had a few CTA keys or maybe a radio. And we had arranged to meet either the next day or the following day. I don't know exactly. It would be in e-mail threads that we met at a Starbucks, and I handed those materials over.</p> <p>12 Mr. Psomas gave very little details about what was going on. And that was the extent of my communication with the CTA in that early part of those two weeks leave.</p> <p>16 Q. Who did you tell that you were placed on administrative leave?</p> <p>18 A. I called my wife. That is kind of step one. And I let Jackie Johnston know. I think I messaged Thomas Silvestri. Just a couple of other close colleagues that I had meetings and things set up for the next day.</p> <p>23 And being a commiserate professional, I was advising people that I'm not going to be there.</p>	<p style="text-align: right;">Page 156</p> <p>1 Q. Did you have an idea of why you were being placed on leave?</p> <p>3 A. The first thing that came to mind was related potentially to this Dayton stuff because that was the only recent thing.</p> <p>6 I do recall racking my brain on anything else. What kept leading it back to the Dayton things and the skeleton key really was that both Mr. Pable and myself were placed on paid administrative leave at the same time.</p> <p>11 If it were just me I'd scratch my head more, did I do something wrong with contract management. Did I sign an invoice incorrectly or something else. Did I say something wrong. But the fact that it was both of us identically under the same circumstances led me to believe the only common denominator there was this Dayton skeleton key issue.</p> <p>19 I did not know whether it was the Dayton RTA decided to take action against CTA or whether Clever said something. I believe I called Craig Lang in that he and I were up to that moment professional colleagues, professional friends.</p> <p>24 I believe he said something like we</p>
<p style="text-align: right;">Page 155</p> <p>1 I think I called my dad.</p> <p>2 Q. Did you contact Mr. Pable?</p> <p>3 A. Yes. When I got my message I contacted him. I believe he was contacting me as well.</p> <p>5 Mr. Pable on that day was returning from vacation on that Monday, the 22nd.</p> <p>7 And I believe he was in the air traveling from La Guardia Airport to Midway and learned of the messages upon his arrival at Midway.</p> <p>10 Q. Did you contact Mr. Pable by calling him on the phone or vice versa?</p> <p>12 A. I do believe we spoke on the phone. There were definitely some Signal messages. Again, they would have been lost in the sands of time.</p> <p>15 I believe we did talk on the phone. We were both quite distraught as you would imagine and confused.</p> <p>18 Q. And so those messages, I think you just said you lost them in the sands of time. Those were the messages that you purged from your Signal application that we discussed earlier today?</p> <p>22 A. Those messages would have been purged about eight or nine days later prior to walking into my interrogation and termination.</p>	<p style="text-align: right;">Page 157</p> <p>1 shouldn't talk. Mr. Lang said something like that.</p> <p>2 And I think at that moment I deleted all references to Mr. Lang and considered the man persona non grata to myself forever.</p> <p>5 Q. When you say you deleted all the references to Mr. Lang, can you explain what you mean by that?</p> <p>8 A. I'm pretty sure I went to my phone, deleted all messages that I ever had with Mr. Lang after his, you know, rudeness to me and Mike, we shouldn't talk.</p> <p>12 I believe he was in London at the time or maybe I'm mixing up the two weeks, but he indicated best that he and I not talk. Mr. Lang and I would go to lunch about once every other month and talk things CTA, career, otherwise.</p> <p>17 And after that and sensing that this was related to the skeleton key issue and potentially emanated from Clever Devices, I made the personal decision in what could be amounted to a fit of frustration or rage that I wanted nothing to do with Mr. Lang forever. It's done.</p> <p>23 So I deleted all messages from him and deleted his contact information and never contacted</p>

<p style="text-align: right;">Page 158</p> <p>1 him again.</p> <p>2 Q. Did you tell Mr. Pable you were doing that</p> <p>3 with Mr. Lang's information?</p> <p>4 A. I might have mentioned that, that I was</p> <p>5 frustrated with Mr. Lang and was done with that.</p> <p>6 Q. Did Mr. Pable suggest that you delete your</p> <p>7 communications that you had with Mr. Lang?</p> <p>8 A. No, absolutely not.</p> <p>9 Q. So aside from the Dayton incident, did you</p> <p>10 have any other guesses as to why you might have been</p> <p>11 placed on leave?</p> <p>12 A. No, particularly because it was tied, both</p> <p>13 Chris and I, Mr. Pable and I at the same time. It</p> <p>14 was the only logical conclusion.</p> <p>15 You know, I was trying to think of</p> <p>16 anything else, any other projects that we both</p> <p>17 worked on if there was something that wasn't right.</p> <p>18 But the issue had been dormant and not discussed at</p> <p>19 all since the end of August.</p> <p>20 So I will say it was quite a shock,</p> <p>21 which is why I think it did lead me to sort of</p> <p>22 think about anything else because I thought the</p> <p>23 issue was over.</p> <p>24 Q. Was Mr. Pable on the same page with you as</p>	<p style="text-align: right;">Page 160</p> <p>1 to your CTA e-mail once you were placed on</p> <p>2 administrative leave, correct?</p> <p>3 A. Correct.</p> <p>4 Q. And so the folks that you just identified,</p> <p>5 how did you communicate with them?</p> <p>6 A. Either through text message, Signal. I</p> <p>7 believe maybe with Jackie Johnston through Signal.</p> <p>8 I'm not 100 percent sure. And personal e-mail</p> <p>9 through Jim Psomas or Phil Vanasse.</p> <p>10 Q. Did you call Thomas Silvestri after you</p> <p>11 were placed on leave?</p> <p>12 A. I did.</p> <p>13 Q. Why did you do that?</p> <p>14 A. He was a colleague. He sat on the other</p> <p>15 side of the wall from me. It seemed like we were</p> <p>16 becoming professional friends, and he was mentoring</p> <p>17 me or I was discussing with him. And we were</p> <p>18 commiserating.</p> <p>19 I called him to let people know that I</p> <p>20 wouldn't be there tomorrow morning. This is Monday</p> <p>21 night. He was a work colleague, and I wanted to get</p> <p>22 some guidance or advice. He was less senior than me</p> <p>23 in rank, in so called rank, but he was more senior</p> <p>24 than me certainly from a life perspective.</p>
<p style="text-align: right;">Page 159</p> <p>1 to what he thought the basis for the leave would be?</p> <p>2 A. I presume that would be a fair assessment</p> <p>3 from our conversations when we met up in the days</p> <p>4 following that we were generally on the same page</p> <p>5 with I guess it's related to this, but what, where,</p> <p>6 who, how, were all unknowns.</p> <p>7 Q. Did Mr. Pable suggest any other bases that</p> <p>8 he thought might be a reason why you were put on</p> <p>9 leave and he was put on leave?</p> <p>10 A. Not to my knowledge.</p> <p>11 Q. Did you communicate with anyone else at</p> <p>12 the CTA while you were on leave?</p> <p>13 A. I think it was mostly with Mr. Psomas. I</p> <p>14 think there might have been certainly Ms. Johnston,</p> <p>15 Jackie Johnston. It was a fair amount of shock</p> <p>16 across the agency.</p> <p>17 I know there were a few technical</p> <p>18 questions that had arisen. I believe Phil Vanasse</p> <p>19 who is my other subordinate, reached out with some</p> <p>20 technical questions. And I responded the best I</p> <p>21 could with how to fix -- getting the system to</p> <p>22 resolve an issue. And the two weeks were a very</p> <p>23 stressful lonely two weeks.</p> <p>24 Q. Let me step back. You didn't have access</p>	<p style="text-align: right;">Page 161</p> <p>1 So I reached out to him sort of for</p> <p>2 advice and commiseration. I believe that's the only</p> <p>3 time I talked to him since. There might have been</p> <p>4 some e-mails or text messages in the weeks that</p> <p>5 followed. But I basically cut all ties with him and</p> <p>6 haven't been in communication since that time in</p> <p>7 early November.</p> <p>8 Q. Can you turn your attention, Mr. Haynes,</p> <p>9 to CTA Exhibit 13 and let me know when you have it.</p> <p>10 Do you see that?</p> <p>11 A. I do.</p> <p>12 Q. It says CTA Exhibit 13 is an e-mail that</p> <p>13 is a forward from you, Mr. Haynes, in your personal</p> <p>14 e-mail account to Mr. Pable and Mr. Silvestri on</p> <p>15 October 22, correct?</p> <p>16 A. Correct.</p> <p>17 Q. And it may be difficult to see, but it's</p> <p>18 forwarding the exchange that we talked about</p> <p>19 earlier, which is a message from Tim Harrington to</p> <p>20 you, right?</p> <p>21 A. Yes. I am forwarding what looks like a</p> <p>22 screen shot, that is forwarding an e-mail that was</p> <p>23 sent from me to my wife dated Friday August 24, 2018</p> <p>24 at 12:43 p.m where I had sent a screen shot of the</p>

<p style="text-align: right;">Page 162</p> <p>1 Tim Harrington e-mail to myself at gmail.</p> <p>2 Q. In CTA Exhibit 13 in your top e-mail with 3 the forward, you say just so we have this, right?</p> <p>4 A. Correct.</p> <p>5 Q. And then you say, "I might call this guy 6 tomorrow just to ask if they did file anything. I 7 doubt it since it was over seven weeks ago now. 8 We'll be in touch, but this is good to have for our 9 records."</p> <p>10 You drafted that, right?</p> <p>11 A. Correct.</p> <p>12 Q. And what did you mean by saying it would 13 be good to have for your records?</p> <p>14 A. I said for our records. I guess I meant 15 for defense in case this is what it was all about.</p> <p>16 This is at 9:00 p.m. on the evening in question on 17 the day I was placed on paid administrative leave.</p> <p>18 And knowing what I know now, I don't 19 think I'll ever send another e-mail again. But this 20 was me, I believe I either just had a conversation 21 with or was about to have a conversation with Thomas 22 Silvestri. I don't know.</p> <p>23 And as you noted earlier, Thomas 24 Silvestri was copied on other e-mails while I was at</p>	<p style="text-align: right;">Page 164</p> <p>1 A. Without having the Act in front of me to 2 review I don't know what you're exactly referring 3 to.</p> <p>4 Q. Let's take a look at CTA Exhibit 15, 5 Mr. Haynes, and tell me when you are there.</p> <p>6 Do you see CTA Exhibit 15, Mr. Haynes?</p> <p>7 A. No. Give me a second here.</p> <p>8 MS. BABBITT: Why don't we go off the record 9 for five minutes, and we'll let you set that up and 10 take a quick break.</p> <p>11 THE VIDEOGRAPHER: We're going off the record.</p> <p>12 The time on the monitor is 2:16 p.m.</p> <p>13 (Recess)</p> <p>14 THE VIDEOGRAPHER: We are back on the record.</p> <p>15 The time on the monitor is 2:23 p.m.</p> <p>16 BY MS. BABBITT:</p> <p>17 Q. Mr. Haynes, before we broke we were having 18 you pull up CTA Exhibit 15. Do you now have that 19 exhibit in front of you?</p> <p>20 A. Yes.</p> <p>21 Q. This is a copy of the Illinois code that I 22 was referring to, which is the Illinois State 23 Officials and Employees Ethics Act. And in 24 particular, it is a section of the Act that refers</p>
<p style="text-align: right;">Page 163</p> <p>1 the CTA. So he was aware of what was going on.</p> <p>2 Q. And when you said you wanted to ask if 3 they did file anything, what are you referring to 4 when you say that?</p> <p>5 A. I am referring to exactly the line which 6 is a little hard to read in this one. But my boss, 7 our CFO, was quite concerned and was considering 8 whether we should be considering legal action 9 against you.</p> <p>10 So I am referring to if they filed legal 11 action against us. I will say this. I never did 12 call this guy. I was just thinking out loud, you 13 know, was it him that called or filed something to 14 the CTA. And that is what prompted all this.</p> <p>15 Q. And also on that same night on October 22 16 you sent Mr. Pable from your personal e-mail to his 17 personal email a link to the Illinois statute called 18 the State Officials and Employees Ethics Act. Are 19 you familiar with that Act?</p> <p>20 A. No, other than I must have Googled it, 21 copied it and sent it to Mr. Pable's personal 22 e-mail.</p> <p>23 Q. Is that an Act that you understood that 24 you were bound to by virtue of being a CTA employee?</p>	<p style="text-align: right;">Page 165</p> <p>1 to administrative leave during a pending criminal 2 matter. Do you see that?</p> <p>3 A. Yes, I do.</p> <p>4 Q. Why did you send this provision of this 5 Act to Mr. Pable on the day that you were put on 6 leave?</p> <p>7 A. We were both in the same boat, and I was 8 doing my due diligence and research on what it means 9 to be placed on paid administrative leave.</p> <p>10 And I came across this and felt that we 11 were in the same boat, and I shared it with him.</p> <p>12 Q. And the fact that you were flagging a 13 portion of the statute that refers to administrative 14 leave pending a criminal matter, did you believe you 15 may be involved in a criminal matter when you were 16 placed on administrative leave?</p> <p>17 A. I don't know why I was placed on paid 18 administrative leave. So anything was possible, and 19 I came across this in a Google search.</p> <p>20 Q. And did you discuss the possibility of 21 having committed criminal acts with Pable related to 22 the Dayton test?</p> <p>23 A. I believe I discussed with him in light of 24 this. Did we do anything criminally wrong, and we</p>

<p style="text-align: right;">Page 166</p> <p>1 discussed things about responsible disclosure and 2 sort of vulnerability testing of systems from that 3 perspective.</p> <p>4 I didn't send this to my knowledge with 5 the direct thought that we were directly involved 6 with a criminal matter. There was nothing provided 7 to us from the CTA as part of the paid 8 administrative leave that would lead me to any 9 conclusion.</p> <p>10 So anything was on the table, and I 11 thought it better to be knowledgeable than ignorant.</p> <p>12 Q. When you said you had discussed the 13 possibility of whether or not you had done anything 14 criminal with Mr. Pable, were those discussions 15 during the course of you both being placed on leave?</p> <p>16 A. I believe so. We met at least three, 17 maybe two or three times that week. Tuesday, 18 Wednesday, possibly again Friday. I don't remember 19 the exact dates.</p> <p>20 And we had numerous conversations over 21 lunch. We were essentially out of work. So we had 22 nothing to do but think about this. So mulling over 23 some ideas. This was a topic.</p> <p>24 Q. And you met up with Mr. Pable the</p>	<p style="text-align: right;">Page 168</p> <p>1 arrived?</p> <p>2 A. I don't recall exactly. Maybe an hour.</p> <p>3 Q. Did you take any notes at this meeting?</p> <p>4 A. No.</p> <p>5 Q. Did you have any papers with you at this 6 meeting?</p> <p>7 A. I don't believe so. I was returning the 8 laptop.</p> <p>9 Q. That was when you were returning the 10 laptop to Mr. Psomas?</p> <p>11 A. Yes. I had the laptop and some keys and 12 items to return.</p> <p>13 Q. Did you have any other devices with you 14 that you were using when you were meeting with 15 Mr. Pable?</p> <p>16 A. My personal cell phone.</p> <p>17 Q. Did you take any notes or jot anything 18 down on your cell phone?</p> <p>19 A. Not to my knowledge. Not in that time.</p> <p>20 Q. And Mr. Pable, did he have any devices 21 with him?</p> <p>22 A. I'm sure he had his phone.</p> <p>23 Q. Was Mr. Pable taking down notes or putting 24 things into his phone while you were discussing</p>
<p style="text-align: right;">Page 167</p> <p>1 following day after you were placed on leave, is 2 that right?</p> <p>3 A. I'm pretty sure that was the day. It 4 might also have been Wednesday. It might have been 5 both. I know that there was setting up the time to 6 drop stuff off.</p> <p>7 Both Mr. Pable and I were present when I 8 returned my CTA property to Mr. Psomas at a 9 Starbucks on Washington and Clinton. I can't tell 10 you whether that it was Tuesday or Wednesday, but 11 was one of those mornings.</p> <p>12 Q. So within a day or two of you being placed 13 on leave you returned those items that Mr. Psomas 14 requested of you?</p> <p>15 A. Correct.</p> <p>16 Q. And that was at a Starbucks you said?</p> <p>17 A. Correct.</p> <p>18 Q. Mr. Pable was at that Starbucks as well?</p> <p>19 A. Correct.</p> <p>20 Q. And did you meet with Mr. Pable alone 21 first and then Mr. Psomas arrived?</p> <p>22 A. Correct.</p> <p>23 Q. Do you recall how long you were meeting 24 with Mr. Pable at the Starbucks before Mr. Psomas</p>	<p style="text-align: right;">Page 169</p> <p>1 matters with him?</p> <p>2 A. No.</p> <p>3 Q. Can you turn your attention, Mr. Haynes, 4 to CTA Exhibit 17. Let me know when you're there.</p> <p>5 A. We're here. October 24?</p> <p>6 Q. Right. So Mr. Haynes, CTA Exhibit 17, 7 this is an e-mail that you sent Mr. Pable from your 8 personal account to Mr. Pable's personal gmail on 9 October 24, 2018, correct?</p> <p>10 A. Correct.</p> <p>11 Q. And you reference in the first paragraph 12 in this email to Mr. Pable that it was good to meet 13 up yesterday, right?</p> <p>14 A. Correct.</p> <p>15 Q. And in the second paragraph of CTA 16 Exhibit 17, you say that you regretted that you even 17 tried to reach out to Craig Lang. Right?</p> <p>18 A. I see that.</p> <p>19 Q. And then if you turn to the second page of 20 CTA Exhibit 17, is this a text exchange that you had 21 with Mr. Lang?</p> <p>22 A. Yes, it is.</p> <p>23 Q. Is this a text exchange you had within a 24 day or two of you being placed on administrative</p>

<p style="text-align: right;">Page 170</p> <p>1 leave?</p> <p>2 A. Yes. This is dated looks like Tuesday.</p> <p>3 And this would have been that week. So if the 20th</p> <p>4 was -- we determined that the 22nd was the day I was</p> <p>5 placed on administrative leave. So that was a</p> <p>6 Monday.</p> <p>7 So the 23rd would be Tuesday. So</p> <p>8 Tuesday at 0603, I got a message from Mr. Lang,</p> <p>9 Mike, noticed you called. I am in London meeting</p> <p>10 with the FL all week.</p> <p>11 Q. So this was an e-mail exchange with</p> <p>12 Mr. Lang via SMS text message, and this was a text</p> <p>13 message that was on your personal cell phone?</p> <p>14 A. Yes. That is a screen shot of my personal</p> <p>15 cell phone.</p> <p>16 Q. And you say to Mr. Lang you might want to</p> <p>17 take my call. I could pretty much guarantee it is</p> <p>18 more important than anything else. Is that right?</p> <p>19 A. I am trying to garner his attention, yes.</p> <p>20 Q. And the reason that you thought it was</p> <p>21 more important than anything else is likely because</p> <p>22 you were anxious to talk to him about being placed</p> <p>23 on leave?</p> <p>24 A. At the time I considered him a</p>	<p style="text-align: right;">Page 172</p> <p>1 that you had discussed with Pable the day before,</p> <p>2 about taking responsibility for Dayton?</p> <p>3 A. Perhaps. The day before here would have</p> <p>4 been Wednesday. So that lines up with the Starbucks</p> <p>5 meeting, and the return of items to the CTA.</p> <p>6 Q. And so did you discuss the idea of taking</p> <p>7 responsibility for the Dayton test with Pable when</p> <p>8 you met with him?</p> <p>9 A. I am sure that that sentiment was conveyed</p> <p>10 at that meeting, as indicated by this discussion.</p> <p>11 Q. Did you discuss with Mr. Pable making an</p> <p>12 e-mail record or a written record of you saying that</p> <p>13 you were taking responsibility?</p> <p>14 A. No.</p> <p>15 Q. When you met with Pable the day before was</p> <p>16 he angry?</p> <p>17 A. No.</p> <p>18 Q. Did he ever express being upset with you</p> <p>19 that this test was conducted?</p> <p>20 A. No. He shared the mutual disappointment</p> <p>21 in the turn of events.</p> <p>22 Q. And you say in this e-mail as well, CTA</p> <p>23 Exhibit 17, in the last sentence of the second</p> <p>24 paragraph, I can only think that this is about a</p>
<p style="text-align: right;">Page 171</p> <p>1 professional colleague and an advocate that was</p> <p>2 interested in my well being and what I did.</p> <p>3 So I was merely stating, you know, it's</p> <p>4 great that you are in London with transport for</p> <p>5 London, but you may want to return my call. I'm</p> <p>6 pretty sure it's worth your time.</p> <p>7 Q. Why did you think it would be worth</p> <p>8 Mr. Lang's time?</p> <p>9 A. Because I thought Mr. Lang cared about me,</p> <p>10 but I found out later that he doesn't. So I thought</p> <p>11 that he had my interests at heart, at least he had</p> <p>12 led me to believe that over the years of our</p> <p>13 professional relationship.</p> <p>14 Q. And if you could turn back to the first</p> <p>15 page of CTA Exhibit 17, Mr. Haynes. And I am</p> <p>16 looking at the second paragraph of your e-mail to</p> <p>17 Mr. Pable.</p> <p>18 You say in the middle of that</p> <p>19 paragraph, of course, everything was white hat in</p> <p>20 the interest of public good. I said it then, and I</p> <p>21 will say it again and forever, in caps, I take full</p> <p>22 responsibility for our posting of an alert to Dayton</p> <p>23 and against your wishes, not fully thought out.</p> <p>24 When you say that, was that something</p>	<p style="text-align: right;">Page 173</p> <p>1 revenge move from Craig and perhaps in concert with</p> <p>2 Veronica against me and you by extension.</p> <p>3 Do you see that?</p> <p>4 A. I do.</p> <p>5 Q. Why do you think that Craig would want to</p> <p>6 exact revenge on you?</p> <p>7 A. Earlier in the paragraph it states in the</p> <p>8 third or fourth sentence he was really mad at us for</p> <p>9 finding issues with things and looking at back end</p> <p>10 data flows.</p> <p>11 So it was clear that Mr. Lang was very</p> <p>12 mad. And Mr. Lang would have discussed this with</p> <p>13 Veronica and his colleague and friend Mr. Dorval</p> <p>14 Carter, the president of the CTA. He would have</p> <p>15 conversations with them without my knowledge. And</p> <p>16 it's just me speculating during a stressful week of</p> <p>17 paid administrative leave pending the internal</p> <p>18 investigation of what might ultimately be going on</p> <p>19 here.</p> <p>20 Q. And why did you say that Veronica may be</p> <p>21 seeking revenge against you?</p> <p>22 A. As evidenced by not getting fairly</p> <p>23 compensated. It was fairly well-known that Veronica</p> <p>24 did not have my best interests or think very highly</p>

<p style="text-align: right;">Page 174</p> <p>1 of me at all.</p> <p>2 Q. You said that was fairly well-known. How 3 did that come to be known at the CTA or otherwise?</p> <p>4 A. Veronica was my boss's boss. She never 5 did anything for me. She never attended any 6 meetings.</p> <p>7 Jim Psomas said that she was cold to me 8 or, you know, not supportive of me. It was pretty 9 apparent.</p> <p>10 Q. Was Veronica supposed to attend meetings 11 with you as part of her role?</p> <p>12 A. There were occasionally times when we 13 would have monthly check in meetings. And she was 14 invited and seemed indifferent about any of the work 15 that we did or that my group was involved with.</p> <p>16 Q. As you sit here today, do you think that 17 Veronica, and I guess I should say when you're 18 referring to Veronica, you're referring to Veronica 19 Alanis?</p> <p>20 A. Correct.</p> <p>21 Q. And as you sit here today, do you think 22 that Veronica had anything to do with your 23 separation from CTA employment?</p> <p>24 A. As my boss's boss, I certainly think she</p>	<p style="text-align: right;">Page 176</p> <p>1 Q. And what was that job interview for?</p> <p>2 A. It was for a company called A to B. I had 3 explored them as an opportunity. They had a 4 contract with the Illinois Tollway Authority for 5 toll booth electronic upgrades.</p> <p>6 And I had sort of thrown my hat in 7 there. They were a big player in mobility as a 8 service, applications in Portugal, and they had a 9 presence here in Illinois. So I had reached out to 10 that and gotten as far along as an interview. I was 11 not ultimately offered a job with them.</p> <p>12 Q. And in the paragraph that follows that in 13 CTA Exhibit 46, you say "I know it may seem like it 14 is not getting to me as much as you or you're 15 marveling at how I'm handling it, and it's not easy.</p> <p>16 This is deeply painful and now living 17 this double life." What do you mean by saying you 18 are living a double life?</p> <p>19 A. I had not yet told my children and my 20 inlaws about being placed on paid administrative 21 leave. I did that on Friday evening at the 22 conclusion of this week.</p> <p>23 So the double life I was living was I 24 was still getting up every morning and leaving the</p>
<p style="text-align: right;">Page 175</p> <p>1 was involved in the process.</p> <p>2 Q. But aside from a supervisory role, do you 3 have any belief that she had any role?</p> <p>4 A. She was close to the president. As you 5 indicated, there is the letter from Clever Devices 6 to Mr. Carter. And I could only imagine that a 7 conversation was had.</p> <p>8 Q. Can you turn your attention, Mr. Haynes, 9 to CTA Exhibit 46. Let me know when you have it 10 available.</p> <p>11 A. I do.</p> <p>12 Q. CTA Exhibit 46, this is another e-mail 13 from you, Mr. Haynes, from your personal gmail 14 account to Mr. Pable's account on October 24, 2018, 15 right?</p> <p>16 A. Uh-huh.</p> <p>17 Q. In it the fourth paragraph down you say I 18 have to prepare for this interview tomorrow. I have 19 no idea how I am going to rally myself here.</p> <p>20 Could you tell me what you are referring 21 to?</p> <p>22 A. Yes. I had a job interview previously 23 scheduled and was taking a personal business day on 24 Thursday, October 24th.</p>	<p style="text-align: right;">Page 177</p> <p>1 house as if I was going to work so my children would 2 not see that I was out of work or the pain and scars 3 of this and what it was doing to me. So I would 4 leave the house as if I was going to work, go to a 5 Starbucks or something in town.</p> <p>6 Sometimes I'd even come home and then 7 have to leave the house before my children and 8 father-in-law got back home with the kids so that I 9 wasn't there because why is daddy home.</p> <p>10 So the double life that I was leading 11 was pretending to be employed, which only my spouse, 12 father and others knew that I was on administrative 13 leave.</p> <p>14 Q. I see. Okay. Could you turn your 15 attention, Mr. Haynes, to CTA Exhibit 47. Let me 16 know when you have that up.</p> <p>17 A. We're there.</p> <p>18 Q. So CTA Exhibit 47, this is an e-mail, 19 Mr. Hayne, that you forwarded to Mr. Pable on 20 October 24, 2018. Correct?</p> <p>21 A. Correct.</p> <p>22 Q. And it's forwarding a message that you had 23 sent to Mr. Psomas in response to certain questions 24 he had asked of you after you were placed on leave,</p>

<p>1 right?</p> <p>2 A. Correct.</p> <p>3 Q. And you mentioned that you had returned to 4 Mr. Psomas your CTA issued laptop, correct?</p> <p>5 A. Yes.</p> <p>6 Q. And did you have any other CTA issued 7 devices in your possession that you returned to 8 Mr. Psomas?</p> <p>9 A. I think I mentioned earlier a couple of 10 keys. Perhaps a radio. I think the radio was on my 11 desk. I think it was just the CTA laptop and a 12 handful of keys is what I returned to Mr. Psomas.</p> <p>13 Q. And in addition to your CTA laptop when 14 you were at CTA headquarters working you had a 15 desktop computer, is that right?</p> <p>16 A. Actually, it's two desktops. I had my 17 LINUX work station on my primary desk, and I used a 18 Clever CAD work station in kind of a workshop 19 cubicle that we had set up. The physical computer 20 never left.</p> <p>21 Q. Right. Did you have either of those 22 computers encrypted, Mr. Haynes?</p> <p>23 A. I believe that the LINUX computer that was 24 on my desk was encrypted pursuant to CTA had done</p>	<p>Page 178</p> <p>1 Q. And then you also have information for a 2 desktop, CAD work station?</p> <p>3 A. Yes. That was in the sort of CAD lab we 4 called it. It was in the cubicle across the way 5 where I spent the vast majority of my time.</p> <p>6 I bounced between the two, but I spent a 7 lot of my time on the CAD work station. And this 8 e-mail provides the user name and password for my 9 account and the administrative account for that 10 machine.</p> <p>11 Q. I'm sorry if I am belaboring it. I want 12 to make sure I understand. Which of the devices 13 that were within your control at CTA headquarters 14 were encrypted?</p> <p>15 A. The Ubuntu desktop in my main cubicle was 16 encrypted. The desktop CAD work station was not 17 encrypted because that work station was meant to be 18 an image of the work station that was used in the 19 control center so that if there ever was a problem 20 with one of the work stations in the control center 21 we could make a copy of my work station and get it 22 over to the control center, and it be spun up as a 23 fresh work station.</p> <p>24 So my machine was like a testing ground</p>
<p>Page 179</p> <p>1 this thing. Michael Radojcic spear headed this. He 2 was the CIO for the acting chief information 3 security officer or something.</p> <p>4 And they come around with this idea of 5 putting bit locker on all of the computers and 6 encrypting the hard drives. I had a nonstandard 7 desktop because I had turned my desktop into a LINUX 8 work station because that allowed me to do more of 9 the work I was doing.</p> <p>10 At one point we ran an encryption 11 process across that, but I didn't have anything 12 special. And I think this e-mail that you are 13 referring to even gives the password to my local 14 desktop.</p> <p>15 Q. So your local desktop was not encrypted 16 then?</p> <p>17 A. As mentioned, the LINUX or Ubuntu, 18 U-b-u-n-t-u work station at my primary desk was 19 encrypted. This e-mail that I can see I believe 20 gives the information to connect and get into that 21 machine. It looks correct.</p> <p>22 Q. The desktop, you said Ubuntu. that was 23 the LINUX machine at your cubicle?</p> <p>24 A. Yes.</p>	<p>Page 181</p> <p>1 for the work stations that were more critical in the 2 control center, and the work station in the control 3 center remained unencrypted.</p> <p>4 Q. So thank you. That's helpful. Were you 5 aware that Mr. Pable had his CTA computer encrypted?</p> <p>6 A. Yes. Around the same time we encrypted my 7 Ubuntu when this administrative policy regarding 8 security came out, Chris took security and as you 9 could tell, encryption very seriously. And we 10 complied with that directly.</p> <p>11 Q. Were you aware that Mr. Pable used a 12 password manager to manage his passwords for his CTA 13 devices?</p> <p>14 A. I was aware he had a password manager of 15 some kind and that his phone and him were a part of 16 that.</p> <p>17 I wasn't aware of the intricacies of how 18 it worked, just that there was a security, that he 19 had an integrated security with his phone.</p> <p>20 Q. Did you authorize Mr. Pable to use that 21 password manager to manage his passwords for the CTA 22 devices?</p> <p>23 A. I wouldn't say directly, but it's not like 24 I objected to it. I knew there was this</p>

<p style="text-align: right;">Page 182</p> <p>1 administrative procedure that we needed to have our 2 computers in Bit Locker or whatever and that CTA was 3 actively going around to work stations to do that. 4 Our work stations, we needed to be 5 administrators of our work stations for the type of 6 work we did. Our work stations were kind of off the 7 grid, so to speak, of the overall CTA network. I do 8 recall at one point CTA sent around somebody 9 checking all work stations if they were bit 10 lockered, and they were sort of in screen trying 11 computers and taking down serial numbers of 12 computers.</p> <p>13 And I said they were in Chris's 14 computer. That is one of the CAD stations that's 15 got the encryption on it. My desktop is LINUX, 16 nonstandard. It's encrypted, and I would have 17 pointed to the CAD work station across the aisle and 18 said that one remains unencrypted for the reasons I 19 mentioned.</p> <p>20 Q. Understood. Thank you. I know you 21 mentioned that in the course of being on leave you 22 had a job interview.</p> <p>23 Were you actively looking for other 24 employment while you were still employed with the</p>	<p style="text-align: right;">Page 184</p> <p>1 day, is that right?</p> <p>2 A. Correct. I believe an e-mail came out on 3 a Wednesday to me requesting my presence at 4 9:00 a.m. at CTA headquarters on November 2.</p> <p>5 Q. When you were walking into that interview, 6 had you prepared for the interview with Mr. Pable 7 prior to that?</p> <p>8 A. Yes. As previously discussed, we met sort 9 of to console and counsel each other at the 10 aforementioned Starbucks prior to that, prior to 11 that meeting.</p> <p>12 So I believe we met at 8:00 a.m. and 13 then walked over separately. I think our times for 14 entry were staggered or 9:00 and 9:30 or maybe it 15 was both at the same time.</p> <p>16 Q. When you met with Mr. Pable, did you 17 discuss anything that you both intended to say or 18 not say during your interviews?</p> <p>19 A. I don't really remember the context of 20 everything. I mean we were still in the dark over 21 what the exact substantive nature of the 22 investigation was other than that it was likely the 23 Dayton incident, as we referred to it, or as seemed 24 to be referred.</p>
<p style="text-align: right;">Page 183</p> <p>1 CTA before you were placed on leave?</p> <p>2 A. Yes.</p> <p>3 Q. And did you have any other job interviews 4 while you were still employed by the CTA?</p> <p>5 A. Yes. One day in September of 2018, I had 6 a one day interview with Trapeze, a transit software 7 company. And I flew out to Baltimore area for a one 8 day interview.</p> <p>9 Q. And were you aware if Mr. Pable was 10 looking for other employment while he was still 11 employed by the CTA?</p> <p>12 A. In some of our conversations on walks I 13 knew that he was entertaining a company called Roth 14 Ross in the video game industry local to the 15 Chicagoland area. But no formal offers or anything.</p> <p>16 We talked in broad strokes about the 17 future and things like that, as close colleagues do.</p> <p>18 Q. I want to turn now, Mr. Haynes, to the 19 interview that you anticipated at from the CTA, 20 which was conducted on November 2, 2018. Do you 21 recall that?</p> <p>22 A. Yes. Is November 2 a Friday?</p> <p>23 Q. I believe it is. So you were asked to 24 come to the CTA headquarters by Jim Psomas on that</p>	<p style="text-align: right;">Page 185</p> <p>1 Notably because we were both placed on 2 paid administrative leave at the same time, Mr. Lang 3 cut off communications. So that kind of tied pieces 4 together. I went into that interview holding a 5 typed up resignation letter. I believe I provided 6 that in my subpoena materials, request for materials 7 because I went into that thinking that they're 8 probably going to do something here to me, and I 9 better have a resignation letter on hand.</p> <p>10 I was hoping it would be a legitimate 11 investigation interview, seeking sort of a full 12 picture of the story, but it wasn't. I believe when 13 I got there they brought me up, the secretary, the 14 administrative assistant to Veronica I believe 15 brought me up and sat with me in a conference room 16 killing time while they discussed things with 17 Mr. Pable. And then they brought me into a 18 conference room for discussion.</p> <p>19 Q. So as you recall, you were interviewed 20 after Mr. Pable?</p> <p>21 A. That is how I recall it, yes.</p> <p>22 Q. Did you consult or communicate at all with 23 Mr. Pable prior to going into your interview after 24 he had been interviewed?</p>

<p style="text-align: right;">Page 186</p> <p>1 A. No.</p> <p>2 Q. Did you have your wife contact Mr. Pable</p> <p>3 to ask what he had learned in the interview to share</p> <p>4 with you?</p> <p>5 A. No, I didn't ask my wife to contact him.</p> <p>6 Q. You mentioned that you brought your typed</p> <p>7 resignation letter because you intended to resign</p> <p>8 that day or you thought you might resign that day?</p> <p>9 A. I didn't really know exactly what I was</p> <p>10 walking into and if I was walking into a situation</p> <p>11 where I anticipated where you could either be fired</p> <p>12 or you need to resign, I felt that the prudent thing</p> <p>13 to do to be prepared was to have a resignation</p> <p>14 letter on hand with me.</p> <p>15 Q. Did you bring anything else with you into</p> <p>16 the interview?</p> <p>17 A. I don't believe so.</p> <p>18 Q. And who was interviewing you that day?</p> <p>19 A. Mr. Psomas, Mr. Mike Radojcic, again, I</p> <p>20 can't spell the last name. And someone from HR. I</p> <p>21 don't know her name, but it was a female.</p> <p>22 Q. Was it Marie Marosevich? Does that ring a</p> <p>23 bell?</p> <p>24 A. Maybe. Female, that is all I remember.</p>	<p style="text-align: right;">Page 188</p> <p>1 A. Caustic. Certainly, Jim Psomas had I</p> <p>2 believe a printed list of some questions.</p> <p>3 Ironically we all sat spread out it was like a pre</p> <p>4 Covid kind of a doomsday meeting.</p> <p>5 Jim was on one side. Mike Radojcic was</p> <p>6 on the other side, and the HR person sat near by. I</p> <p>7 don't believe the HR person ever said anything. And</p> <p>8 it was just a series of questions related to the</p> <p>9 Dayton incident, I believe. Honestly I don't really</p> <p>10 remember the substance of it other than at the end I</p> <p>11 was given the option of either being terminated or</p> <p>12 resigning.</p> <p>13 There really wasn't any sort of due</p> <p>14 process, if you could call it that. I was quite</p> <p>15 distraught. I signed the paper, the resignation</p> <p>16 letter that I had brought. I passed that across the</p> <p>17 table. The HR woman brought me downstairs to HR for</p> <p>18 some COBRA paperwork or something I think I asked</p> <p>19 for.</p> <p>20 I sat in a small conference room or</p> <p>21 interview room down in HR and cried my eyes out for</p> <p>22 about ten or 15 minutes. The HR person was sort of</p> <p>23 I know you need to collect yourself here. And I</p> <p>24 collected myself. She brought me some papers, COBRA</p>
<p style="text-align: right;">Page 187</p> <p>1 Q. It wasn't a woman or anybody that you had</p> <p>2 ever interacted before at the CTA?</p> <p>3 A. Correct. It wasn't anybody that I knew.</p> <p>4 Q. And you had had prior dealings with Mike,</p> <p>5 and his name for the record is spelled</p> <p>6 R-a-d-o-j-c-i-c.</p> <p>7 You had had dealings with Mike Radojcic</p> <p>8 before, right, Mr. Haynes?</p> <p>9 A. Correct.</p> <p>10 Q. And the interview took place in a CTA</p> <p>11 conference room?</p> <p>12 A. Correct.</p> <p>13 Q. Did you take any notes with you when you</p> <p>14 were in the interview?</p> <p>15 A. I might have scribbled some thoughts down</p> <p>16 on a piece of paper. I tend to be -- when I learn</p> <p>17 things I like to write it down, but I don't</p> <p>18 necessarily keep the paper as nostalgic or anything.</p> <p>19 I honestly don't think I wrote much if anything</p> <p>20 down.</p> <p>21 Q. And you don't have anything from that</p> <p>22 interview that you wrote down?</p> <p>23 A. No.</p> <p>24 Q. Can you describe the interview for me?</p>	<p style="text-align: right;">Page 189</p> <p>1 and maybe a pension phone number or something,</p> <p>2 pension office phone number. And I believe I called</p> <p>3 my wife. One should call their wife when they get</p> <p>4 terminated from their employer.</p> <p>5 And my mom happened to be in town that</p> <p>6 day. She had met up with a friend of hers for lunch</p> <p>7 at Oglive Northwestern station. And after I left</p> <p>8 the CTA I called my mom and Chris. And Chris, my</p> <p>9 mom and I had lunch together.</p> <p>10 Q. Sorry, I wanted to pull back a little bit</p> <p>11 on the interview process. And then we will follow</p> <p>12 up like you said if that's okay.</p> <p>13 So when you were sitting in the</p> <p>14 interview I think you said the woman from HR did not</p> <p>15 ask questions, is that right?</p> <p>16 A. Correct.</p> <p>17 Q. And Jim Psomas asked questions in the</p> <p>18 interview?</p> <p>19 A. Correct. He led the meeting.</p> <p>20 Q. Did Mike Radojcic ask any questions?</p> <p>21 A. I believe so. I don't know the substance.</p> <p>22 Q. Did you explain to them how the Dayton</p> <p>23 test had transpired?</p> <p>24 A. I am positive that I explained what I knew</p>

<p style="text-align: right;">Page 190</p> <p>1 and answered their questions truthfully and honestly 2 to the best of my ability at the time. 3 Q. And do you recall what you told them about 4 conducting the Dayton testing? 5 A. I really don't. I imagine they had notes. 6 I imagine that the CTA had done a thorough and 7 comprehensive investigation over the two weeks. I 8 thought that this was just part of that continuing 9 investigation.</p> <p>10 And it really seemed to be a foregone 11 conclusion that it was, how shall we say, a kangaroo 12 court to just make it look like we're doing an 13 investigation, and the whole thing could have been 14 summed in five minutes if they had just started with 15 the you're either going to be terminated or you 16 could resign. But they went through the motions. 17 They have notes.</p> <p>18 I would ask them the substantive nature 19 of the conversations because it was pretty traumatic 20 for me.</p> <p>21 Q. I understand and obviously we will follow 22 up with those individuals for their notes. I am 23 trying to get an understanding of what, if anything, 24 you recall about what you told them in the interview</p>	<p style="text-align: right;">Page 192</p> <p>1 off of notes. 2 I didn't take notes. After that being 3 presented with the decision to be terminated I 4 really blocked a lot of that out from that meeting 5 other than to recognize that it was all a farce and 6 a show before my termination. I don't know the 7 specifics of the answers to their questions. 8 Q. I am probing your memory to see if any of 9 these questions, if you recall any answers. I will 10 ask you a few more questions to see if you remember 11 anything that you said in the interview right before 12 you lost your job. 13 Did you explain to anyone in the 14 interview that Pable had objected to conducting the 15 Dayton test? 16 A. I don't know if I conveyed that. It seems 17 reasonable if I were asked, I would have said that 18 Chris didn't want to do this. I don't know what 19 their questions were at this point, and I don't know 20 my exact answer. 21 Q. So you don't recall if you told them that 22 you were the one that conducted the test or if Pable 23 was the one that conducted the test? 24 A. I would have taken the responsibility for</p>
<p style="text-align: right;">Page 191</p> <p>1 and in particular what I would want to know is what 2 you recall telling them about the Dayton test. 3 A. I would have told them what happened and 4 what I and Chris did as part of the Dayton test. 5 That is the best of my recollection. 6 Q. So did you tell them who conducted what as 7 part of the Dayton test? 8 A. I would have answered the questions they 9 gave me to the best of my ability. I don't know 10 exactly what I said. I don't have a recording of 11 it. I don't have any notes of that meeting. 12 They're the ones who asked the questions 13 and took notes. 14 Q. Right. So do you recall if you told 15 anyone in that meeting that you had Pable set up 16 code or a test for you to press enter on? 17 A. I don't know their exact questions, and I 18 don't know exactly how I answered them. 19 Q. So you don't recall any answers that you 20 gave in the meeting right before you were terminated 21 from a job that you had for 18 years? 22 A. I don't recall exactly what was asked and 23 what I said. And if something was written down or a 24 transcript was made of that, I would prefer to work</p>	<p style="text-align: right;">Page 193</p> <p>1 my actions in the event. I don't know exactly what 2 I said. 3 They didn't set it up in any way where 4 it was a formal interview with sort of 5 transcriptions or notes or signed statements or 6 anything. 7 Q. So is there anything that you recall 8 saying to them at all in the interview that you had? 9 A. I don't know the specifics of what I said 10 in that interview. 11 Q. Do you know anything generally that you 12 recall telling them in the interview that you had? 13 A. I would have answered their questions from 14 whatever they said, and I know that the topic was 15 the Dayton incident. 16 Q. Right. But you don't recall anything that 17 you actually said. All you know is that you 18 answered their questions? Is that fair? 19 A. Fair. 20 Q. So the interview then concluded, right, or 21 do you recall that? 22 A. Correct. 23 Q. What happened after the interview 24 concluded?</p>

<p style="text-align: right;">Page 194</p> <p>1 A. I went through this. They provided me, 2 Mr. Psomas provided me a piece of paper. I think he 3 had two pieces of paper. One was you're fired, 4 you're terminated, and one was you resigned. 5 I think I pulled out a resignation 6 letter that I had previously typed, which I provided 7 in my subpoenaed materials. I signed that, slid it 8 across the table to Mr. Psomas, and I cried. And 9 went down with the HR woman to call my wife and get 10 some paperwork before being escorted out.</p> <p>11 Q. Then you said you had lunch with your 12 mother and with Mr. Pable?</p> <p>13 A. That is correct.</p> <p>14 Q. Where did you have lunch?</p> <p>15 A. The pizza place in Oglive. I forget what 16 it's called, in the back of the Oglive 17 transportation center on the Canal side.</p> <p>18 Q. Did you and Mr. Pable discuss the 19 interviews that you participated in that morning?</p> <p>20 A. Yes.</p> <p>21 Q. What do you recall Mr. Pable telling you 22 about his interview?</p> <p>23 A. That his interview was similar. Mike 24 Radojcic, Jim Psomas, someone from HR. He told me</p>	<p style="text-align: right;">Page 196</p> <p>1 everything that we talked about in the interview or 2 after the interview. It was a traumatic day, and I 3 remember who and where and what transpired. I do 4 not remember the exact specific questions, answers 5 and comments, but it is very likely that Mr. Pable 6 told me that he told them that he objected to doing 7 the test because as stated he did object to doing 8 the test.</p> <p>9 Q. What was Mr. Pable's state when you saw 10 him? How did he appear?</p> <p>11 A. Similarly distraught and upset.</p> <p>12 Q. Was Mr. Pable coherent when you saw him?</p> <p>13 A. Yes. Absolutely.</p> <p>14 Q. Did Mr. Pable tell you that he had a hard 15 time speaking during his interview with the CTA?</p> <p>16 A. That sounds familiar. That sounds like 17 something Chris might have said, that he was worked 18 up or was distraught.</p> <p>19 I think his was a half hour interview. 20 I think mine may have been 40 minutes, 45 minutes if 21 memory serves.</p> <p>22 Q. Did Mr. Pable tell you that he had been 23 drugged prior to participating in his interview?</p> <p>24 A. No.</p>
<p style="text-align: right;">Page 195</p> <p>1 it was very similar, the conversation, that the 2 questions and things from my recollection it seemed 3 like we were interviewed the same.</p> <p>4 The difference being at the conclusion 5 of his interview he was not given the ultimatum of 6 termination or resignation. So to my knowledge the 7 only difference between the two were he went first, 8 but he didn't get the you're going to be terminated 9 or resign.</p> <p>10 I got the same except that mine ended 11 with termination or resignation, and it was clear 12 that that was their intent going in because they had 13 both pieces of paper ready to go. There was no 14 third option. There was no, we're keeping Mike if 15 he says the right things in this interview.</p> <p>16 Q. And did Mr. Pable when you met with him 17 after his interviews and after your resignation did 18 he tell you in the interview that he told the CTA 19 that he objected to the Dayton test?</p> <p>20 A. It's likely that he told me that he would 21 have said that he objected to it.</p> <p>22 Q. Do you have a recollection of that or are 23 you supposing that as we sit here?</p> <p>24 A. I don't have an exact recollection of</p>	<p style="text-align: right;">Page 197</p> <p>1 Q. Did Mr. Pable tell you at any point while 2 he was on leave that he had been experiencing panic 3 attacks?</p> <p>4 A. I believe that topic came up, that he 5 was -- as evidenced in one of the exhibits you 6 showed. I believe I indicated or Mr. Pable 7 indicated that I was handling this much better than 8 he was.</p> <p>9 I think the fact that I had as I 10 mentioned, the double life to live, maintaining my 11 composure with my children and my inlaws at least 12 during the first week that I was forced to buckle 13 down and work through my emotions. And I do believe 14 that Mr. Pable, I believe he mentioned that he had a 15 panic attack or was distraught, we'll say it that 16 way.</p> <p>17 Q. Did you ever observe Mr. Pable having a 18 panic attack?</p> <p>19 A. Not directly.</p> <p>20 Q. Did Mr. Pable ever discuss with you that 21 he was seeking treatment or care for his panic 22 attacks?</p> <p>23 A. I believe at one point he mentioned that 24 he was either looking into some home remedies or</p>

<p style="text-align: right;">Page 198</p> <p>1 discussing with a doctor. That is really all I 2 know.</p> <p>3 Q. Did Mr. Pable ever describe the panic 4 attacks to you?</p> <p>5 A. Not in any detail.</p> <p>6 Q. Were you aware if Mr. Pable was taking any 7 narcotics or other medication at the time of his CTA 8 interview?</p> <p>9 A. No. I was not aware of any medication 10 that Mr. Pable would have been on at the time of the 11 CTA interview.</p> <p>12 Q. Were you aware of any other mental health 13 or emotional distress that Mr. Pable was 14 experiencing while he was on administrative leave?</p> <p>15 A. No, other than distraught and worked up 16 over it, similar to me being worked up. But I guess 17 he took it harder.</p> <p>18 MS. BABBITT: Why don't we take a five minute 19 break off the record.</p> <p>20 THE VIDEOGRAPHER: We're going off the record. 21 The time on the monitor is 3:13 p.m.</p> <p>22 (Recess)</p> <p>23 THE VIDEOGRAPHER: We're back on the record. 24 The time on the monitor is 3:22 p.m.</p>	<p style="text-align: right;">Page 200</p> <p>1 you out the door officially.</p> <p>2 Q. And did you have any knowledge or any 3 sense of any other investigation that had been 4 conducted prior to you being interviewed by the CTA?</p> <p>5 A. In the two week period there was no 6 questions, communication or anything to me related 7 to the subject matter of what this investigation was 8 regarding. No questions or statements were ever 9 made.</p> <p>10 Q. And we talked a bit earlier today about 11 how part of the reason you said you didn't want to 12 tell Jim Psomas what happened with the Dayton test 13 is because you had concerns that he wouldn't 14 understand what had transpired, right?</p> <p>15 A. Correct, that he wouldn't understand the 16 full nuances of what we were after and what we did.</p> <p>17 Q. Did you attempt in this interview to 18 explain to Mr. Psomas what you did, in fact, do with 19 respect to the Dayton test in the interview?</p> <p>20 A. Yes. I'm sure I went into the details of 21 answering their questions along the lines of what 22 happened when and how everything transpired.</p> <p>23 I had sent Mr. Psomas that e-mail on I 24 believe it was August 31. He replied with thanks.</p>
<p style="text-align: right;">Page 199</p> <p>1 BY MS. BABBITT:</p> <p>2 Q. Mr. Haynes, before we move on to our next 3 exhibit I want to follow up on a few comments about 4 the interview that you participated in.</p> <p>5 You mentioned I think you said there was 6 not due process in the interview proceeding. Could 7 you tell me what you mean by that?</p> <p>8 A. I didn't feel like there was an 9 opportunity to really present or be presented, to 10 present another side of the story and be heard.</p> <p>11 And it very much especially when it 12 concluded with termination or resignation it very 13 much had the tone of we have already made up our 14 mind. We're just doing this so that it looks to you 15 like we're caring about your thoughts and your 16 opinions and documenting things.</p> <p>17 I do believe that at one point in that 18 interview I said am I being accused of any 19 wrongdoing or anything improper or something, and I 20 believe I was told no. That's about the only 21 substantive thing that I might have said. My main 22 feeling in that was that the decision was made, this 23 is just a fake opportunity to make it look like 24 we're getting your side of the story before we walk</p>	<p style="text-align: right;">Page 201</p> <p>1 If he felt that that was too vague, he could have 2 certainly emailed and asked for more detail at that 3 time.</p> <p>4 I don't think that Mr. Psomas knew where 5 this came from or anything. This just came out of 6 the blue, and he was left to lead an interview with 7 an employee and get rid of me.</p> <p>8 Q. But they asked you questions in the 9 interview about what actually transpired, as you 10 answered them, right?</p> <p>11 A. Correct. He asked a question, and I gave 12 an answer. He took notes. So where those notes are 13 would be the account of what transpired on that day.</p> <p>14 Q. Mr. Haynes, could you turn to CTA 15 Exhibit 26, please. Let me know when you have it 16 up.</p> <p>17 A. I have it up.</p> <p>18 Q. Mr. Haynes, do you recognize this to be 19 the set of messages that you produced in response to 20 the subpoena you received a few months ago?</p> <p>21 A. Yes I do.</p> <p>22 Q. CTA Exhibit 26, it reflects messages that 23 say to me. Those are messages you received from 24 Mr. Pable, is that right?</p>

<p style="text-align: right;">Page 202</p> <p>1 A. Correct. Affirmative.</p> <p>2 Q. And the messages in each line where it 3 says from me, those are messages you sent to 4 Mr. Pable, is that correct?</p> <p>5 A. Affirmative.</p> <p>6 Q. And these are messages -- well, I guess 7 can you explain how you collected these messages to 8 produce them?</p> <p>9 A. So in my subpoena statement I mentioned 10 that I found an old backup of Signal messages either 11 on my old phone or in my Google cloud backup, and I 12 restored those messages on my local desktop.</p> <p>13 And it said they were encrypted, but I 14 had a picture of the encryption key, and I was 15 unable to unencrypt them, and I was able to extract 16 this out and figure out which ones were from me to 17 Mr. Pable and which ones were from Mr. Pable to me.</p> <p>18 And the version that you are seeing here 19 is where I spent time to clean them up and make it 20 more readable by putting the to me, from me and 21 cleaning out some of the other junk that was in the 22 message headers. I believe I was requested to make 23 a subsequent production that had just a raw dump of 24 everything.</p>	<p style="text-align: right;">Page 204</p> <p>1 A. No, because this was the only thing and 2 the e-mail were the only communication mediums used 3 to communicate between myself and Mr. Pable.</p> <p>4 Q. On the first page of CTA Exhibit 26, I 5 have highlighted some of the text messages. I will 6 turn your attention to the last text message on the 7 first page of CTA Exhibit 26, which is highlighted 8 in yellow. Do you see that message?</p> <p>9 A. I do.</p> <p>10 Q. And this is a message to you from 11 Mr. Pable, right?</p> <p>12 A. Correct.</p> <p>13 Q. In it, it says "Don't forget the tin can 14 and fingerless gloves dot dot dot kidding. I'm 15 panicked as usual, but a little less since I have in 16 caps some answers. And I have solace in whatever 17 happens even if I keep my job I think I have a case 18 against CTA." Do you see that?</p> <p>19 A. I do see that.</p> <p>20 Q. Have you discussed the possibility of 21 Mr. Pable having a case or filing suit against the 22 CTA?</p> <p>23 A. Yes. During that two weeks we had talked 24 about a potential case. Mr. Pable and I did meet</p>
<p style="text-align: right;">Page 203</p> <p>1 Q. And the messages that begin on CTA 2 Exhibit 26, the first one is dated November 2, 2018, 3 right?</p> <p>4 A. Correct.</p> <p>5 Q. And is that the first message that you 6 were able to recover in that recovery you just 7 explained to me?</p> <p>8 A. Correct.</p> <p>9 Q. And that is because prior to that text 10 message you had purged all the messages that you had 11 exchanged with Mr. Pable on your Signal application?</p> <p>12 A. Correct. November 2 is the day I was 13 terminated. 1:20 p.m. would be after that 14 termination transpired.</p> <p>15 Q. And those messages, that purge that you 16 had conducted, that occurred before you participated 17 in your interview with the CTA, right?</p> <p>18 A. As mentioned previously, yes. That 19 happened at the Starbucks that we met at prior to 20 arriving at the CTA.</p> <p>21 Q. And aside from those messages that you 22 purged, would you have had any other messages on 23 your phone or communications on your phone with 24 Mr. Pable beyond those purged messages?</p>	<p style="text-align: right;">Page 205</p> <p>1 with a lawyer at one point and then that 2 conversation really went nowhere. And I didn't 3 pursue any case with Mr. Pable as a result of this.</p> <p>4 Q. What sort of case did Mr. Pable discuss 5 that he might pursue against the CTA when you were 6 on leave?</p> <p>7 A. The discussion revolved around whistle 8 blower protection, identifying security risk, 9 responsible disclosure and then being terminated for 10 identifying a security risk.</p> <p>11 Q. And what whistle blower activities were 12 you aware that Mr. Pable had conducted?</p> <p>13 A. He had mentioned something about OSHA, 14 National Transit Safety Act. Something along those 15 lines where there is some legislation out there to 16 protect whistle blowers for identifying an unsafe 17 condition or an insecure situation, raising it to 18 their employer and then being harassed, dismissed 19 for raising the alarm.</p> <p>20 Q. Did Mr. Pable discuss with you that he 21 intended to sue on the basis that he had blown the 22 whistle to you about the purported security risk?</p> <p>23 A. I don't know the details of what we talked 24 about. You have highlighted in the next one, yes,</p>

<p style="text-align: right;">Page 206</p> <p>1 blame me.</p> <p>2 I had already in numerous communications</p> <p>3 I had taken the responsibility for the actions. He</p> <p>4 told me it was something about this OSHA</p> <p>5 Occupational Safety Health, Department of Labor or</p> <p>6 under this and that is really the extent of it. I</p> <p>7 kind of didn't follow his line, of course.</p> <p>8 I thought I will support you in</p> <p>9 whatever you decide to do, but I am moving on with</p> <p>10 my life.</p> <p>11 Q. So did you understand that Mr. Pable</p> <p>12 intended to assert a claim that as a result of him</p> <p>13 reporting a security risk to you that the CTA</p> <p>14 terminated him?</p> <p>15 A. That was my understanding.</p> <p>16 Q. And do you think that is why the CTA was</p> <p>17 going to terminate him before he resigned?</p> <p>18 A. Yes.</p> <p>19 Q. Why is that?</p> <p>20 A. I think the CTA terminated both of us</p> <p>21 because we found this, did this, and CTA just knee</p> <p>22 jerked it and said we'll just get rid of them both.</p> <p>23 Q. And you believe that the CTA got rid of</p> <p>24 both of you because you identified a security risk?</p>	<p style="text-align: right;">Page 208</p> <p>1 support or help against his recommendation. I sent</p> <p>2 e-mails to Dayton and Clever Devices.</p> <p>3 I could have just as easily not sent any</p> <p>4 e-mail to Dayton or Clever Devices after this and</p> <p>5 just forgotten the whole thing. But I reported it.</p> <p>6 I did what I did. And that is exactly what I am</p> <p>7 getting at there is fine. Mr. Pable reported to me,</p> <p>8 and I was his supervisor. This is all happening the</p> <p>9 day after I have been terminated.</p> <p>10 At this time I have already applied for</p> <p>11 unemployment, and no further comment on this.</p> <p>12 Q. So your understanding was even while</p> <p>13 Mr. Pable remained on administrative leave he was at</p> <p>14 that point considering how he could sue the CTA?</p> <p>15 A. As I mentioned, we had met with a lawyer</p> <p>16 earlier in the week. So I don't know if it was to</p> <p>17 directly sue the CTA or to at least file a complaint</p> <p>18 with this OSHA and National Transit statute and see</p> <p>19 where that goes.</p> <p>20 Q. And the following text message on page two</p> <p>21 of CTA Exhibit 26, I don't have it highlighted, but</p> <p>22 do you see the message that says to me no, this is</p> <p>23 absolutely in quotes a hostile environment</p> <p>24 territory. Do you see that?</p>
<p style="text-align: right;">Page 207</p> <p>1 A. I think they got rid of both of us because</p> <p>2 they didn't like the letter that Clever Devices</p> <p>3 sent, and they took the solution of just we'll just</p> <p>4 get rid of them and nobody sought to get our side of</p> <p>5 the story and our perspective.</p> <p>6 They didn't even share with us the</p> <p>7 letter that Clever Devices sent to Mr. Carter. And</p> <p>8 they terminated us on the basis of finding this</p> <p>9 problem, reporting it and Clever's assertion in this</p> <p>10 letter that we did things improperly.</p> <p>11 Q. Do you believe that the CTA terminated or</p> <p>12 sought to terminate you and Mr. Pable because you</p> <p>13 had conducted the test on another transit system?</p> <p>14 A. Yes, all related. The whole thing.</p> <p>15 Q. So you pointed out on page two of CTA</p> <p>16 Exhibit 26, this is a text message back from you to</p> <p>17 Mr. Pable that says yep, just blame me. I am</p> <p>18 already under the bus. Just toss here in reverse.</p> <p>19 That is why the buses are still working.</p> <p>20 So what did you mean by yep, just blame</p> <p>21 me?</p> <p>22 A. Exactly that. You know, I am already the</p> <p>23 one that has taken responsibility for deciding to</p> <p>24 do, executing the test on Dayton with Mr. Pable's</p>	<p style="text-align: right;">Page 209</p> <p>1 A. I do see that.</p> <p>2 Q. And did Mr. Pable discuss being in a</p> <p>3 hostile work environment with you?</p> <p>4 A. According to this message that is him</p> <p>5 discussing that he looks at this as if it's a</p> <p>6 hostile work environment.</p> <p>7 We talk at length about that it was a</p> <p>8 very toxic work environment. We talked earlier</p> <p>9 about Veronica Alanis and Mr. Psomas not really</p> <p>10 looking out for their own staff or seeking to</p> <p>11 rightfully compensate their staffs. So I believe</p> <p>12 that is just Mr. Pable expressing the grounds that</p> <p>13 he has in filing a whistle blower protection case.</p> <p>14 Q. The last text message highlighted on page</p> <p>15 two of Exhibit 26, you see this message that you</p> <p>16 received from Mr. Pable, Mr. Haynes.</p> <p>17 It says, "I think they were trying to</p> <p>18 prod to find evidence that I, quote, hacked other</p> <p>19 things. That is why they were asking about hobbies</p> <p>20 and stuff. Don't feel sorry. I trust your</p> <p>21 judgment. You have way more experience. It's not</p> <p>22 entirely on you, though.</p> <p>23 Without me you wouldn't have had the</p> <p>24 quote power to be put in that situation. I feel</p>

<p style="text-align: right;">Page 210</p> <p>1 partly responsible for making things possible."</p> <p>2 You received that message from Mr. Pable?</p> <p>3 A. Yes, November 4, 2018 at about noon.</p> <p>4 Q. What did you understand Mr. Pable to mean</p> <p>5 or was saying to you that he felt partly responsible</p> <p>6 for making things happen?</p> <p>7 A. Well, certainly without Mr. Pable we would</p> <p>8 not have found the skeleton key lying on the ground</p> <p>9 so to speak or in plain text in the Wire Shark</p> <p>10 traces communication.</p> <p>11 And without Mr. Pable we would not have</p> <p>12 found the undocumented back end customer service</p> <p>13 alert API, which is what facilitated the injection</p> <p>14 of the ability to inject an alert into an active</p> <p>15 BusTime system. So what he means by you, being</p> <p>16 Mr. Haynes, wouldn't have the power in quotes to</p> <p>17 have been put in that situation.</p> <p>18 As we mentioned, I did not have the</p> <p>19 knowledge to type the command to input and inject</p> <p>20 the message into the Dayton or any other system.</p> <p>21 And without Mr. Pable I would not have learned of</p> <p>22 the skeleton key. I certainly had the ability to</p> <p>23 take the skeleton key and sort of benignly test it</p> <p>24 on our bus tracking installations. I hope that</p>	<p style="text-align: right;">Page 212</p> <p>1 out directly in a conversation. That's all I can</p> <p>2 say on what that sentiment seems to be, that they</p> <p>3 were maybe trying to get Chris to really push that I</p> <p>4 did everything or something along those lines. I</p> <p>5 don't know.</p> <p>6 Q. And then following on that same page at</p> <p>7 the bottom of page four, CTA Exhibit 26, do you see</p> <p>8 that highlighted text message that begins I know. I</p> <p>9 appreciate it so much.</p> <p>10 A. I do see that.</p> <p>11 Q. This is another text message from</p> <p>12 Mr. Pable to you?</p> <p>13 A. Correct.</p> <p>14 Q. And he says that's my only ray of light in</p> <p>15 all this honestly, hopefully sticking this back to</p> <p>16 them. But at the same time they have the personal</p> <p>17 stuff on my flash drive they may use against me</p> <p>18 somehow after the whole interrogation was prodding</p> <p>19 at my personal stuff.</p> <p>20 Do you know what materials Mr. Pable was</p> <p>21 referring to on his flash drive?</p> <p>22 A. No, I'm not aware of what personal things</p> <p>23 Mr. Pable had on a flash drive in his computer.</p> <p>24 Q. Were you aware of anything that Mr. Pable</p>
<p style="text-align: right;">Page 211</p> <p>1 answers what you're looking for there.</p> <p>2 Q. Yes, thank you. It does. Can you turn to</p> <p>3 page four of CTA Exhibit 26, Mr. Haynes. It's</p> <p>4 marked MH 7 at the bottom.</p> <p>5 A. Yes, I'm there.</p> <p>6 Q. I have highlighted the third text on that</p> <p>7 page. Do you see that text message?</p> <p>8 A. Yes.</p> <p>9 Q. Would you read that message and let me</p> <p>10 know when you've read it.</p> <p>11 A. I've read it.</p> <p>12 Q. In this it says Mr. Pable says to you that</p> <p>13 they were super keen on why I wouldn't go behind</p> <p>14 your back during the interrogation.</p> <p>15 What did you understand that to mean?</p> <p>16 A. That during the -- I don't know exactly</p> <p>17 other than it sounds like what is describing is that</p> <p>18 during his interview with the CTA they were trying</p> <p>19 to I guess have Chris sort of really give them the</p> <p>20 fodder and the piece that would give them all they</p> <p>21 needed to say we're going to go and toss me to the</p> <p>22 curb.</p> <p>23 So it sounds like they really wanted to</p> <p>24 know why Chris wasn't going to just I guess sell me</p>	<p style="text-align: right;">Page 213</p> <p>1 kept on his computer or on his flash drive that the</p> <p>2 CTA could use against Mr. Pable?</p> <p>3 A. No.</p> <p>4 Q. On the following page of CTA Exhibit 26,</p> <p>5 there is a text message I have highlighted. Let me</p> <p>6 know when you see it.</p> <p>7 A. Okay.</p> <p>8 Q. It says just to keep you in the loop I</p> <p>9 contacted O'Malley and case law, one consult for</p> <p>10 whistle blower set for Monday. I'll let you know if</p> <p>11 slash when I need you, but with the notes we made</p> <p>12 I'll do the leg work and should be fine solo.</p> <p>13 If I return to work I will cancel the</p> <p>14 appointment. I can't thank you enough for your</p> <p>15 support, and I'm so sorry it's going to make you out</p> <p>16 to be the bad guy. Do you see that?</p> <p>17 A. I do.</p> <p>18 Q. And that message Mr. Pable sent you on</p> <p>19 November 6, what notes is Mr. Pable referring to in</p> <p>20 that message?</p> <p>21 A. He and I had met with a lawyer in that two</p> <p>22 week period as we talked about. We had met with a</p> <p>23 lawyer, and I scribbled down some notes. And I had</p> <p>24 gotten them to Chris, kind of our conversation.</p>

<p style="text-align: right;">Page 214</p> <p>1 That lawyer, he was somewhere on Michigan Avenue.</p> <p>2 We met with them for like a half hour,</p> <p>3 45 minutes, and they didn't seem interested in the</p> <p>4 case. But I scribbled down some notes as I tend to</p> <p>5 sort of -- I mentioned earlier I tend to scribble.</p> <p>6 So I got those notes to Chris. As I mentioned</p> <p>7 earlier, I had no intention of pursuing any legal</p> <p>8 action. That was my one and only meeting with a</p> <p>9 lawyer related to this at that time.</p> <p>10 Q. And you said you scribbled notes. I am</p> <p>11 inferring from that that they are handwritten notes.</p> <p>12 Is that an accurate statement?</p> <p>13 A. Yes, I believe I typed them up and sent</p> <p>14 them to Mr. Pable.</p> <p>15 Q. And have you shared or produced those</p> <p>16 notes in response to the subpoena?</p> <p>17 A. I think I did. And we might have taken</p> <p>18 them out because we thought that they were attorney</p> <p>19 client privilege because it was a conversation we</p> <p>20 had had with an attorney.</p> <p>21 Q. We will follow up with your attorney, but</p> <p>22 I would ask you to produce those notes if they had</p> <p>23 not been produced with the subpoena.</p> <p>24 A. They have been.</p>	<p style="text-align: right;">Page 216</p> <p>1 bad in his role here?</p> <p>2 A. No. He to objected the test. He found</p> <p>3 the skeleton key. As I state in the next message I</p> <p>4 don't care about being the quote bad guy. Don't</p> <p>5 even worry about that. I'm already out on my arse.</p> <p>6 Q. But you don't think that Mr. Pable did</p> <p>7 anything wrong in this scenario or broke any CTA</p> <p>8 rules?</p> <p>9 A. I guess he could have gone above me and</p> <p>10 reported it and said Mike didn't raise it up the</p> <p>11 chain, so I will. I guess he could have done that.</p> <p>12 I don't fault him for that. He was leaving it to my</p> <p>13 discretion for further communication.</p> <p>14 He found the security problem. He</p> <p>15 raised it to my attention. We raised a concern to</p> <p>16 Clever Devices about some open security issues in</p> <p>17 June regarding the service bulletin API. And then</p> <p>18 again in late August when the key was identified.</p> <p>19 In hindsight, definitely should have</p> <p>20 pumped the brakes and had conversations with Clever</p> <p>21 Devices before testing it further. But I guess I</p> <p>22 really wanted to make sure that this was a serious</p> <p>23 and as big a deal of an issue given that we had seen</p> <p>24 Clever Devices' lackluster response to earlier calls</p>
<p style="text-align: right;">Page 215</p> <p>1 Q. They have been produced. Thank you. You</p> <p>2 also received in that message from Mr. Pable, he</p> <p>3 says I'm so sorry it's going to make you out to be</p> <p>4 the bad guy.</p> <p>5 What was he referring to, making you the</p> <p>6 bad guy in this message?</p> <p>7 A. I would presume he's making me say that</p> <p>8 I'm sorry, it's going to make me, Mr. Haynes, look</p> <p>9 like the bad guy for taking the whistle blower</p> <p>10 information or the security alert information from</p> <p>11 Mr. Pable and not taking it up the chain, and</p> <p>12 choosing to use it against the Dayton system.</p> <p>13 And the subsequent e-mails to Dayton and</p> <p>14 Clever Devices and as you mentioned now the Toronto</p> <p>15 Transit Commission, which I forgot about until now.</p> <p>16 So I think that Chris is merely saying I'm sorry</p> <p>17 that it's going to make me, Mr. Haynes, look like</p> <p>18 the guy who didn't do his job by taking the whistle</p> <p>19 blower security information further up the chain.</p> <p>20 In hindsight, if I had ran immediately</p> <p>21 to Jim Psomas and Veronica Alanis and explained all</p> <p>22 this in exquisite detail perhaps they would be</p> <p>23 sitting here with me out of a job as well.</p> <p>24 Q. Did you think that Mr. Pable did anything</p>	<p style="text-align: right;">Page 217</p> <p>1 for concern.</p> <p>2 Q. Can you turn, Mr. Haynes, to page ten</p> <p>3 which is marked MH 13 of CTA Exhibit 36 and tell me</p> <p>4 when you have found the highlighted text messages on</p> <p>5 that page.</p> <p>6 A. Got it.</p> <p>7 Q. And that is a message that Mr. Pable sent</p> <p>8 to you on December 6, 2018, right? He says Yeah,</p> <p>9 I'll get the last laugh though even if I have to</p> <p>10 unfortunately run you over with the bus again. Do</p> <p>11 you see that?</p> <p>12 A. Yes.</p> <p>13 Q. When Mr. Pable is referring to running you</p> <p>14 over with the bus again I guess what I was wondering</p> <p>15 is what he had run you over the bus with previously</p> <p>16 if you understood that?</p> <p>17 A. I mean I guess to the extent saying I was</p> <p>18 the one that demanded the execution of the more</p> <p>19 invasive test against Dayton.</p> <p>20 So I think he's alluding to sort of hey,</p> <p>21 I hate to break it to you. I'm going to pursue this</p> <p>22 and that will drag me further into this, such as why</p> <p>23 I'm sitting here today.</p> <p>24 Q. So Mr. Haynes, this CTA Exhibit 36, the</p>

<p style="text-align: right;">Page 218</p> <p>1 first message you produced is dated November 2, 2 2018, right? If you go up to the top.</p> <p>3 A. Yes.</p> <p>4 Q. And then if you could go to CTA 5 Exhibit 49, Mr. Haynes. It is in the shared folder.</p> <p>6 A. Yes, I could see it.</p> <p>7 Q. Mr. Haynes, tell me when you've got it up.</p> <p>8 A. Yes, CTA Exhibit 49.</p> <p>9 Q. This is the remaining chunk of text 10 messages that you produced in response to the 11 subpoena or actually the complete set.</p> <p>12 So it has November 2, 2018 as the first 13 message and then the last message produced on 14 page MH 22, that is dated October 29, 2019, if you 15 go all the way to the end. Is that right?</p> <p>16 A. Yes. Correct. This is the exact same 17 only without the highlights.</p> <p>18 Q. Exactly right. This is the full set. So 19 you had testified earlier today that you didn't, of 20 course, produce the Signal messages prior to the 21 date of November 2, 2018 because you had purged 22 those messages from your phone, right?</p> <p>23 A. Correct.</p> <p>24 Q. And that is a phone that you said I</p>	<p style="text-align: right;">Page 220</p> <p>1 phone, and I pushed it up to Google drive for 2 purposes of bringing it down to my Macintosh laptop 3 at home where I found some encrypted line that says 4 this is how you take a Signal file and extract it. 5 And I extracted all of the messages related to 6 communications with Mr. Pable, and I went through 7 the trouble for you guys of cleaning it up by 8 putting to me and from me. And it goes from the 9 moment of Starbucks, the first meeting and after the 10 Starbucks purge to October 29.</p> <p>11 That last message is presumably after that 12 when Mr. Pable enacted the disappearing messages 13 feature where any new message that came in after 14 that disappeared within a day from both devices is 15 the way that works now.</p> <p>16 BY MS. BABBITT:</p> <p>17 Q. I know you also mentioned and produced to 18 us, you had I think sort of pulled out or redacted 19 some of the messages and then you produced a fuller 20 set.</p> <p>21 Did you withhold any other messages in 22 that second production that you made to us?</p> <p>23 A. No, that was a complete raw dump. I was 24 sort of doing you a favor spending considerable time</p>
<p style="text-align: right;">Page 219</p> <p>1 believe you said you still have in your possession, 2 but that you had wiped that phone, is that right?</p> <p>3 A. Yes, I cleaned that phone off with the 4 intention of using it with my kids.</p> <p>5 Q. And I would ask you to maintain that phone 6 and not do anything else to it for the course of 7 this litigation, and we'll follow-up with your 8 lawyer to provide you notice on that point.</p> <p>9 But I guess what I am still a little 10 unclear about is how you were able to produce 11 messages from November 2, 2018 through October 29, 12 2019 and why those were all still visible or 13 available on your phone?</p> <p>14 MR. LADUZINSKY: Counsel, I am going to object. 15 He's already asked and answered. He could answer 16 again for the third time.</p> <p>17 THE WITNESS: So I found in the course of being 18 subpoenaed for this case, when I was requested to 19 identify any and all materials related to my 20 communications with Mr. Pable, I happened to find a 21 file in my, I think it was in my Google drive Signal 22 backup where Signal had automatically backed up my 23 files.</p> <p>24 It was either there or I saw it on my old</p>	<p style="text-align: right;">Page 221</p> <p>1 getting it down to 19 pages of relevant nonpersonal 2 communication.</p> <p>3 And then when the response came back I 4 just went and ran the command again against this 5 archive and threw all of that into one giant 6 document. And I believe it got rebates and sent 7 over.</p> <p>8 Q. On October 29, 2019, that is when 9 Mr. Pable switched the setting so that your messages 10 would disappear that you exchange with him within 24 11 hours?</p> <p>12 A. By a logical conclusion it seems that 13 would be the date that that occurred or that's the 14 last date of this backup. But that's the last 15 Signal message that I have in archive.</p> <p>16 I believe I mentioned earlier I got a 17 new phone somewhere in the time frame of this phone 18 that I have today, somewhere in the time frame of 19 December 2019.</p> <p>20 Q. Do you have any logs or any backups of 21 anything related to Signal after the date of 22 October 29, 2019?</p> <p>23 A. What I have you have. I took a Signal 24 backup and saw that there were messages in there</p>

<p style="text-align: right;">Page 222</p> <p>1 relevant to this subpoena. And I extracted all 2 communications between myself and Mr. Pable that I 3 have in my possession.</p> <p>4 Q. Thank you. Can you turn to Exhibit 5 CTA 33, Mr. Haynes. Let me know when you have that 6 up.</p> <p>7 A. We do.</p> <p>8 Q. The second page of CTA Exhibit 33 is an 9 e-mail from Mr. Pable to Jeffrey Schroeder copying 10 you, Mr. Haynes. Correct?</p> <p>11 A. Correct.</p> <p>12 Q. It's dated November 20, 2018?</p> <p>13 A. Correct.</p> <p>14 Q. Who is Mr. Schroeder?</p> <p>15 A. He was my former manager at the CTA when I 16 was in the technology department. And he and I were 17 peers in the planning department and then he moved 18 down to technology, and I moved down to technology.</p> <p>19 I worked for Mr. Schroeder as a project 20 manager and then a senior project manager until 21 Mr. Schroeder was dismissed by the CTA, and I don't 22 know when that happened.</p> <p>23 Q. This email that Mr. Pable sent 24 Mr. Shroeder on November 20, 2018, in it and I will</p>	<p style="text-align: right;">Page 224</p> <p>1 discussing with him. The fact that it is in this 2 e-mail from November 20, 2018 tells me that it was 3 written before that.</p> <p>4 I did not come across this material in 5 my search other than in this e-mail because I know 6 that this e-mail was one I believe I produced 7 because the fact that it is cc'ing Mike Haynes, this 8 would have been produced as part of my subpoena 9 production. But the exact notes are not something 10 that I uncovered in my subpoena. So I don't have 11 the original of that.</p> <p>12 Q. Do you have any recollection of you 13 preparing this outline or summary of events?</p> <p>14 A. Not directly. It's probably something 15 that I typed up with Chris during those two weeks. 16 I am kind of seeing it again for the first time 17 here.</p> <p>18 I know I produced these e-mails, but I 19 didn't dig in and read every word. So this looks 20 like something that we put together to collect our 21 thoughts before meeting with a lawyer in the period 22 of that two week paid administrative leave. And 23 then, of course, I moved on and decided not to 24 pursue any kind of legal action anyway.</p>
<p style="text-align: right;">Page 223</p> <p>1 direct you towards a little more than half way down 2 the paragraph begins so as for what happened, Mike 3 and I wrote this out for a meeting with a lawyer, 4 but it's really comprehensive. I'll share it at the 5 end. Do you see that?</p> <p>6 A. I do.</p> <p>7 Q. And so after Mr. Pable signs the e-mail 8 Chris, it includes some information and some dates 9 that appear in a different font on the second page 10 of Exhibit 33. Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. Is that a time line or a summary of the 13 events that you prepared with Mr. Pable?</p> <p>14 A. It appears to be.</p> <p>15 Q. And who wrote this?</p> <p>16 A. It looks like something I would write. It 17 looks like my style, my writing and my font.</p> <p>18 Q. Do you recall when you prepared this?</p> <p>19 A. No, I don't recall when I wrote this.</p> <p>20 Q. It's dated November 20, 2018. Do you 21 recall sharing or discussing this time line or 22 summary with Mr. Pable?</p> <p>23 A. According to the paragraph I have reason 24 to believe that I prepared this with Mr. Pable or</p>	<p style="text-align: right;">Page 225</p> <p>1 Q. Do you recall, Mr. Haynes, if Mr. Pable 2 modified this time line or had you change any of it?</p> <p>3 A. I don't know. I mean it's copied in his 4 e-mail to Mr. Schroeder copying me. I just don't 5 know the origin.</p> <p>6 I would have to search through the 7 other materials I produced or attempt to go back to 8 other raw files that may have overlooked entirely in 9 the production because I haven't seen this in years.</p> <p>10 Q. You don't recall, for example, having this 11 being handwritten on paper and then typing it up 12 into a computer?</p> <p>13 A. I don't recall. I wouldn't put it past us 14 that I scribbled notes down and then decided to sit 15 down and type them out in preparation for 16 discussion.</p> <p>17 Q. And on page three of CTA Exhibit 33, this 18 is where it begins Aug. I suppose that is short for 19 August. Do you see that at the top of the page?</p> <p>20 A. Yes, this would be bates number POO1173.</p> <p>21 Q. Right. So it says on that page Mr. Haynes 22 for August 17 it says MH. Is MH referring to you in 23 this time line?</p> <p>24 A. Correct.</p>

<p style="text-align: right;">Page 226</p> <p>1 Q. MH makes the decision to test the skeleton 2 key and alert on another Clever Devices customer to 3 ensure that the issue was, in fact, pervasive and 4 not specific to CTA. Do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. And then you say MH asks Chris to execute 7 override in his concerns.</p> <p>8 A. Yes.</p> <p>9 Q. Could you tell me what you mean by that?</p> <p>10 A. Again, with seeing this closer maybe Chris 11 and I worked on this together. Maybe he wrote that. 12 I don't know, but it's indicating that as I stated 13 earlier I requested Chris to execute the command.</p> <p>14 He stated that I clicked okay or the 15 enter button in objection to Mr. Pable not wanting 16 me to do that.</p> <p>17 Q. And so I guess here you say that MH 18 Michael Haynes requests Chris to execute. Does that 19 mean at that point in time you were describing that 20 you asked Mr. Pable to execute the Dayton test?</p> <p>21 A. This is writing up a summary of what 22 happened. As previously mentioned, I did not have 23 the technical capability of executing the Dayton 24 test. So Mr. Pable prepared it. We discussed it.</p>	<p style="text-align: right;">Page 228</p> <p>1 Q. We did not mention the Dayton incident. Is 2 that referring to you not explaining to Jim Psomas 3 that you executed that test on Dayton?</p> <p>4 A. Correct.</p> <p>5 MS. BABBITT: Can we take a five minute break 6 and then I have a few more questions for you.</p> <p>7 THE VIDEOGRAPHER: We're going off the record. 8 The time on the monitor is 4:09 p.m.</p> <p>9 (Recess)</p> <p>10 THE VIDEOGRAPHER: We're back on the record. 11 The time on the monitor is 4:16 p.m.</p> <p>12 BY MS. BABBITT:</p> <p>13 Q. Mr. Haynes, I know we have talked quite a 14 bit about the Signal application on your phone. And 15 you mentioned how the feature was turned on to have 16 messages set up so that they disappeared within 24 17 hours.</p> <p>18 Is that a setting that you can turn off?</p> <p>19 A. I believe any party can change the overall 20 setting of disappearing messages.</p> <p>21 Q. And so are you able as you sit here today 22 if you wanted to turn that setting off with respect 23 to your messages with Mr. Pable, you would be able 24 do that?</p>
<p style="text-align: right;">Page 227</p> <p>1 I told him to continue. He prepared it. 2 I clicked, either I clicked the button or pressed 3 enter. So the word execute here, implied word in 4 between there is prepared to execute. Prepare the 5 execution of, and I was the executor as we 6 previously discussed. Is that clear?</p> <p>7 Q. Yes, that's clear. So you're implying now 8 as you sit here today that you asked him to prepare 9 to execute it, okay.</p> <p>10 And Mr. Pable sent this e-mail to 11 Mr. Schroeder and copied you?</p> <p>12 A. Correct. We established that at the top 13 of the previous page.</p> <p>14 Q. Then on August 28th in this time line or 15 summary in CTA Exhibit 33 for August 28 it says MH 16 e-mails Jim Psomas in parentheses his manager about 17 issuing resolution. Email is drafted by CP. CP, is 18 that Chris Pable?</p> <p>19 A. Yes.</p> <p>20 Q. In that you say we did not mention the 21 Dayton incident, we wanted to make sure the issue 22 was resolved, and we were all secure and not cause 23 harm to our CD-CTA relationship. Right?</p> <p>24 A. That's exactly what it says.</p>	<p style="text-align: right;">Page 229</p> <p>1 A. I believe I could. I would refer you to 2 whatever Signal user documentation there is out 3 there.</p> <p>4 Q. And in the course of preparing for this 5 deposition and in the course of discussing this 6 litigation, did you ever meet with Mr. Duffey, 7 Mr. Pable's attorney?</p> <p>8 A. One time Mr. Pable's attorney met with me 9 very early on downtown on Michigan Avenue at We Work 10 location for about an hour just giving me the 11 general overview of the case and that I would 12 ultimately be likely subpoenaed and deposed.</p> <p>13 And he just wanted to meet me and 14 understand what I knew of the situation.</p> <p>15 Q. And was Mr. Pable at that meeting?</p> <p>16 A. No, he was not.</p> <p>17 Q. And aside from sort of generalities, 18 discussing the fact that you may be subpoenaed or 19 deposed in this case can you recall anything else 20 that you discussed with Mr. Duffey about the case?</p> <p>21 A. Mostly just I was curious about time 22 lines. I think he was curious about what kind of a 23 witness I might be. And just sort of what's my 24 availability and what's going on. That was really</p>

<p style="text-align: right;">Page 230</p> <p>1 the extent of the conversation.</p> <p>2 Q. Have you communicated with Mr. Pable in 3 the last 24 hours?</p> <p>4 A. Not in the last 24 hours.</p> <p>5 Q. With respect to Mr. Pable, when he was 6 under your supervision at the CTA, were you ever 7 made aware of the fact that Mr. Pable was engaging 8 in activities related to bitcoin or block chain 9 technology on his CTA computer?</p> <p>10 A. Not directly on his CTA computer. I knew 11 he was researching. I knew in his private life he 12 had bitcoin or was involved in bitcoin. I know on 13 his CTA computer we had a conversation once about 14 the block chain in general as a methodology for 15 secure transactions with records.</p> <p>16 And he indicated he was exploring that 17 as an opportunity to potentially solve a problem 18 that we were having. I don't recall the specifics 19 of the problems or that sort of thing, but if we 20 think of our daily life as IT R and D, research and 21 development it's not outside of the realm of our 22 jobs to look for the latest and greatest of new 23 technology ideas that might be of benefit to the 24 CTA.</p>	<p style="text-align: right;">Page 232</p> <p>1 because of Covid you said you obviously have not met 2 in person. All of your other communications with 3 Mr. Pable then have been via Signal?</p> <p>4 A. To my knowledge, yes. I don't think I ever 5 had a phone call with him. Any phone calls with him 6 would have been through the Signal app, which also 7 allows for phone calls.</p> <p>8 And I can't recall the last time I heard 9 Chris's voice other than briefly here about the dogs 10 or needing a break.</p> <p>11 Q. And were you aware that Mr. Pable had on 12 his CTA computer files that contained hundreds of 13 thousands or hundreds of millions of passwords and 14 user names?</p> <p>15 A. He had mentioned that as part of his sort 16 of normal course of checking into systems and 17 things, that he keeps a tab on sort of the latest 18 breaches.</p> <p>19 And I believe he mentioned he had 20 searched for or had gotten one of these exploits, 21 and he searched for any common passwords that we 22 were using. I am not the best at security. I know 23 I had the same password for lots of different things 24 inside of CTA.</p>
<p style="text-align: right;">Page 231</p> <p>1 Q. Is that something that you have discussed 2 with Mr. Pable since the litigation began, the use 3 of block chain technology while he was at the CTA?</p> <p>4 A. I don't recall other than maybe he 5 mentioned something like they're after some kind of 6 block chain stuff we talked about. And like I said, 7 I don't recall exactly what problem or idea we were 8 trying to solve with the block chain concept.</p> <p>9 It was not a concept that was very 10 familiar to me. But I know that he was interested 11 in it because of a particular solution it might have 12 offered for us. Like I said, we really were the 13 tinkerers and the developers of lots of new and 14 innovative solutions at the CTA over our years.</p> <p>15 Q. And do you recall that you said something 16 like they're probably after me about block chain. 17 Was that a communication that he exchanged with you 18 on Signal?</p> <p>19 A. Yes. As I mentioned, we only met in 20 person once or twice in the last year.</p> <p>21 Q. And do you talk on the phone with 22 Mr. Pable?</p> <p>23 A. Never. I only use the Signal app as chat.</p> <p>24 Q. So in the last year aside from I know</p>	<p style="text-align: right;">Page 233</p> <p>1</p> <p>2 So I think he was searching that for any 3 of our names and passwords or that would potentially 4 compromise the CTA system. But I wasn't aware of 5 the full extent of that or that it was on his 6 computer at the CTA. I just knew he kept abreast of 7 large security outbreaks or exploits or 8 understanding the security landscape.</p> <p>9 Q. Did Mr. Pable disclose to you that those 10 password files that he had acquired from apparently 11 a data breach included user names of CTA users?</p> <p>12 A. At the time he probably told me that there 13 were some people in there. I think he had indicated 14 if I remember correctly that we were like clean. I 15 don't know.</p> <p>16 He may have told me that my wife's user 17 name was compromised or something. I remember on 18 occasion Chris being tied to sort of security data 19 breaches. He was much better at it than our own, 20 CTA's own security officer. I think he would inform 21 me if there was something he knew about that might 22 affect, do you use this app or do you use this, that 23 you might want to change your password, that sort of 24 thing.</p>

<p style="text-align: right;">Page 234</p> <p>1 Q. And did you ever alert anyone else at the 2 CTA about these issues relating to the passwords?</p> <p>3 A. Not to my knowledge, unless it was a 4 direct person that I worked with, and we felt that 5 there was a risk. But I don't recall any situation 6 where there was a risk identified.</p> <p>7 Q. And was doing this, reviewing these 8 passwords and evaluating password security part of 9 Mr. Pable's job duties?</p> <p>10 A. From a broad general IT security 11 perspective, keeping the BusTracker system secure 12 and the nightly or weekly patches to servers and the 13 shelters signs and making sure that bad actors 14 stayed out of the systems that we were responsible 15 for, yes, I would say that he provided a valuable 16 asset to monitoring those trends and situations.</p> <p>17 Q. Did you ever discuss these password files 18 that were located on Mr. Pable's CTA computer with 19 him in the course of this litigation?</p> <p>20 A. No. He might have mentioned that they 21 found this trove of passwords on his computer. 22 Again, I mentioned that I didn't even know that this 23 trove of passwords was on his CTA computer.</p> <p>24 I didn't know whether it was on the CTA</p>	<p style="text-align: right;">Page 236</p> <p>1 employment of the CTA that you first reviewed 2 Mr. Pable's personal website?</p> <p>3 A. Oh, considerably after that departure.</p> <p>4 Q. Are you aware of any other alter egos or 5 aliases or pseudonyms that Mr. Pable uses aside from 6 his given name?</p> <p>7 A. Twitter. I follow him on Twitter. I 8 think it's Hackinghyena. I wouldn't know exactly. 9 I couldn't spell it. Or whatever the front part of 10 his gmail, which we've seen in a number of exhibits.</p> <p>11 I don't know. I just know that those 12 are some of his sort of online handles.</p> <p>13 Q. Are you aware that Mr. Pable role plays as 14 a character who he refers to as Gingeturano on the 15 hackinghyena?</p> <p>16 A. Yes. I believe that's the full name from 17 the Twitter. Chris is very big into the gaming 18 world, and we often joke that our worlds are very 19 different. Me a family man on the south side, and 20 him as a big gamer, and our worlds are very 21 different. But as they say opposites attract, and 22 we were good friends.</p> <p>23 Q. Is Mr. Pable a hacker?</p> <p>24 A. I would ask for a definition of hacker.</p>
<p style="text-align: right;">Page 235</p> <p>1 computer or whether he searched something in the 2 cloud. So he mentioned that I believe in a message 3 to me that there was this issue of these passwords 4 and in asking me do I remember when and since it 5 didn't affect me or I didn't have direct knowledge 6 of being breached or, so to speak, in that data 7 breach or being in that data breach, I don't really 8 remember the details.</p> <p>9 Q. And those messages were on Signal, of 10 course?</p> <p>11 A. Yes.</p> <p>12 Q. Are you aware that Mr. Pable maintains any 13 personal websites?</p> <p>14 A. Yes. He has a website at Menche.org, 15 which is the name of his dog. He had showed me some 16 of that because he was going after a job with 17 Nintendo, I believe, and was putting together some 18 portfolios of various projects that he's done over 19 the years in his personal life, professional life, 20 his current employer and that we worked on together.</p> <p>21 And I believe I reviewed some of his 22 websites for that in preparation for his job 23 application with Nintendo.</p> <p>24 Q. Was that after you both had left the</p>	<p style="text-align: right;">Page 237</p> <p>1 Q. How would you define a hacker?</p> <p>2 A. You know, a hacker, that term can come 3 across as very negative. I look at a hacker as 4 somebody who likes to figure out how things work. 5 How to make things better both from a protection as 6 well as a how can I make someone's life easier.</p> <p>7 One could argue that I'm a hacker. I am 8 trying to find the best way to take data and turn it 9 into information. And so I hack on the data. I 10 hack away at it. So from the context of a very 11 skilled computer programmer who is interested in 12 security, that would definitely describe Chris.</p> <p>13 If that also describes a hacker, I would 14 put that in. I know there are white hat hacker and 15 black hat hacker. And a white hat hacker is looking 16 for penetration, testing from benign what's going 17 on, how can we make things better.</p> <p>18 And the black hat tends to have the 19 connotation of negative hacking. But I would say 20 that Chris is a very skilled, very curious 21 individual who is always looking out for the common 22 man and making systems better and work better.</p> <p>23 Q. Are you aware of Mr. Pable ever accessing 24 another network or system without the owner or</p>

<p style="text-align: right;">Page 238</p> <p>1 user's knowledge or permission?</p> <p>2 A. I'm not aware of anything specific. We</p> <p>3 did the Dayton thing, and we came clean with that</p> <p>4 the next Monday.</p> <p>5 Everything done at CTA was on the CTA</p> <p>6 network with the systems that he had access to.</p> <p>7 MS. BABBITT: I don't have anything further.</p> <p>8 Thank you.</p> <p>9 CROSS-EXAMINATION</p> <p>10 BY MR. JADOS:</p> <p>11</p> <p>12 Q. Good afternoon. I am Steve Jados,</p> <p>13 representing Clever Devices. I don't think I have</p> <p>14 too much. So like I say I'll launch right into it.</p> <p>15 Earlier on this morning there was a</p> <p>16 discussion of a letter from Clever Devices to CTA</p> <p>17 that you became aware of after your forced</p> <p>18 resignation from the CTA. I want to leave that</p> <p>19 letter alone for purposes of my question, and my</p> <p>20 question is are you aware of any communications in</p> <p>21 which Clever Devices pressured or urged the CTA to</p> <p>22 fire you or Mr. Pable at any time in the second half</p> <p>23 of 2018?</p> <p>24 A. I am not aware of any conversations or</p>	<p style="text-align: right;">Page 240</p> <p>1 could theoretically post alerts to a message and</p> <p>2 that is even without the skeleton key.</p> <p>3 So we certainly made them aware of our</p> <p>4 concerns of what could be done with the exploits of</p> <p>5 the open and undocumented customer alert API, as</p> <p>6 well as subsequent skeleton key identification.</p> <p>7 Q. Anything else in that regard that comes to</p> <p>8 mind?</p> <p>9 A. No. Just verbal conversations or</p> <p>10 thoughts. And, like I said, the entire issue went</p> <p>11 completely dark, and no one really talked about it</p> <p>12 ever again after about August 31.</p> <p>13 And the next time we knew anything of it</p> <p>14 was the letter you don't want me to mention.</p> <p>15 Q. Do you have any information beyond what</p> <p>16 you have already stated today regarding with whom</p> <p>17 your statements to Clever Devices about the skeleton</p> <p>18 key and the service alert API were shared within</p> <p>19 Clever Devices?</p> <p>20 MR. DUFFY: Can you say that again, I didn't</p> <p>21 understand it.</p> <p>22 MR. JADOS: I will ask it a slightly different</p> <p>23 way.</p> <p>24</p>
<p style="text-align: right;">Page 239</p> <p>1 communication.</p> <p>2 Q. Earlier today you looked at a string of</p> <p>3 e-mails to and from Clever Devices in what was the</p> <p>4 CTA's Exhibit 5.</p> <p>5 Obviously, the document speaks for</p> <p>6 itself, but my question is whether you or Mr. Pable</p> <p>7 provided any elaboration orally and beyond what's in</p> <p>8 that Exhibit 5 to Clever Devices as to what the</p> <p>9 skeleton key could do?</p> <p>10 A. Exhibit 5, the conversation with Mr. Lang</p> <p>11 and the name thread where I identified the issue.</p> <p>12 Okay.</p> <p>13 Short of a -- there was a conversation</p> <p>14 that Mr. Lang set up with a Mr. Christos. I think</p> <p>15 that's his first name, I don't know how to say the</p> <p>16 last name, where they discussed the issue with us</p> <p>17 and admonished us. And we discussed the severity of</p> <p>18 the situation.</p> <p>19 I don't recall any specific voice</p> <p>20 conversations other than in our monthly meeting when</p> <p>21 we talked about the issue in the action tracker. I</p> <p>22 think it's itemized in one of those e-mails where</p> <p>23 the customer service alert bulletin is essentially</p> <p>24 open and anybody who had a so called restricted key</p>	<p style="text-align: right;">Page 241</p> <p>1 BY MR. JADOS:</p> <p>2 Q. The information of what you have already</p> <p>3 testified about today in terms of telling the folks</p> <p>4 at Clever Devices about the skeleton key and the</p> <p>5 risks and the service alert API and the risks, you</p> <p>6 talked about what you said in that regard to folks</p> <p>7 at Clever Devices.</p> <p>8 I am curious whether you have any</p> <p>9 knowledge of how that information you shared with</p> <p>10 Clever Devices may have worked its way up the chain</p> <p>11 within Clever Devices to other folks?</p> <p>12 A. Other than that Clever Devices issued a</p> <p>13 technical services security bulletin related to the</p> <p>14 BusTracker API where they came out and said to their</p> <p>15 customers, hey, somebody found our key, and it</p> <p>16 affects your system, and we need to patch it.</p> <p>17 That was the extent of what I understood</p> <p>18 Clever's cleaning up of their system. I have no</p> <p>19 knowledge of what happened behind the Clever closed</p> <p>20 doors. I have been in contact with numerous Clever</p> <p>21 Device customers as part of my career, and I have</p> <p>22 not mentioned, nor will I ever mention anything</p> <p>23 related to this skeleton key and these issues.</p> <p>24 Q. Do you have any reason to believe that the</p>

<p style="text-align: right;">Page 242</p> <p>1 CTA and the Clever Devices believed the story that 2 Pable just stumbled on the skeleton key and the 3 service bulletin API?</p> <p>4 A. I don't believe I understand the question, 5 but to the extent that -- Yes, I don't understand 6 the question.</p> <p>7 Q. Fair enough. My contention essentially is 8 that Clever Devices and perhaps the CTA don't 9 believe the notion that Pable just stumbled upon the 10 skeleton key and that Pable just stumbled upon the 11 service bulletin API.</p> <p>12 There's testimony from depositions, 13 things you weren't necessarily privy to, but assume 14 for purposes of my question that the CTA and Clever 15 Devices don't believe that this was just stumbled 16 upon.</p> <p>17 So my question is if you have any 18 reason, any knowledge that would dispute Clever 19 Device's disbelief of the story?</p> <p>20 MR. DUFFY: I object because that 21 mischaracterizes the record the statement both in 22 terms of what they believe or don't believe and in 23 terms of what Mr. Pable says happened and what he 24 didn't say happened. But you could answer.</p>	<p style="text-align: right;">Page 244</p> <p>1 nonauthorized access nonetheless. But a completely 2 benign test to determine the scope of the problem. 3 And the actual test of posting the alert 4 was deliberately done in a way so as to not 5 disrupt -- we certainly could have put any message 6 that we wanted or profanity out there, and this was 7 not the case. We took an existing message and 8 duplicated it.</p> <p>9 I know in a lot of conversations we took 10 the period off. I guess we didn't take the period 11 off. I guess we took a word away. Regardless, we 12 did it in such a way as to be as benign and 13 unobtrusive as possible and that message, that 14 duplicated message was immediately deleted.</p> <p>15 So to the extent it was unauthorized was 16 from a test perspective to validate that this key 17 that existed at CTA, and the vulnerability that 18 existed at CTA, that that same key existed in 19 somebody else's house, which meant that both of our 20 houses were insecure, both Dayton's and the Chicago 21 Transit Authority were unsecure.</p> <p>22 Q. There's a lot going on there. I want to 23 make sure I got one piece of it right. You just 24 said that the use of the skeleton key to access all</p>
<p style="text-align: right;">Page 243</p> <p>1 THE WITNESS: If Clever Devices and the CTA 2 powers that be, both legally and internally don't 3 believe that, it's mere technological 4 misunderstanding.</p> <p>5 Mr. Pable analyzed Wire Shark logs of 6 communications and identified in plain text the 7 skeleton key. In my opinion, it is no different 8 than looking inside, being in your own home and 9 listening to your pipes and hearing something 10 rattling around in the pipes and look inside your 11 own pipes and see something, a house key.</p> <p>12 So to the extent they don't believe that is 13 what I would call technical ignorance.</p> <p>14 BY MR. JADOS:</p> <p>15 Q. You testified that the Dayton test would 16 be low penetration. With that in mind, do you agree 17 with the assertion that the Dayton test was an 18 unauthorized access of the Dayton RTA's computer 19 system?</p> <p>20 A. Yes, I admit that it was an unauthorized 21 access of the Dayton system. However, it was 22 performed in a -- well, the getting of the server 23 time update as well as others, Dayton as well as 24 others was an unobtrusive unauthorized access, but a</p>	<p style="text-align: right;">Page 245</p> <p>1 the other agencies' systems to get the time, that 2 was also an unauthorized access of those agencies' 3 systems, is that right?</p> <p>4 A. To the extent that those agencies did not 5 provide myself or us with a key, yes. The API keys 6 are requested and obtained, but in that case, all it 7 was was going to a URL with a particular identifier 8 that was out in the open, plain text on our system 9 and saying this plain text information with this 10 publicly facing URL can return the server time of 11 your system without prior authorization through the 12 BusTime admin console.</p> <p>13 Q. It's a relatively simple process to use 14 the skeleton key to gain unauthorized access to all 15 these other agencies, correct?</p> <p>16 A. The skeleton key was something that was 17 left in the open in the Clever Devices system, was a 18 vulnerability at all of their customers.</p> <p>19 The URL, the uniform reference language, 20 the web addresses for various Clever Devices 21 customers is easily obtained by going to different 22 transit agencies and seeing who their real time 23 passenger information solutions provider is. That 24 get you the link. Attaching the key to the end of</p>

<p style="text-align: right;">Page 246</p> <p>1 that publicly available link and attaching this key 2 lets you on to a web page on those systems to get 3 the clock. That is really all there is to it.</p> <p>4 Q. Sure. And going back I believe it was the 5 CTA Exhibit 5, your original e-mail to Craig Lang in 6 which you have that list of I want to say 20 some 7 agencies where the property is evaluated I believe 8 is the term.</p> <p>9 So those properties evaluated, did any 10 of them give you keys to go in and access time from 11 those systems?</p> <p>12 A. No.</p> <p>13 Q. I want you to take a look at what's marked 14 CTA Exhibit 8 in the exhibit share. I believe it's 15 at the top of the list, at least it is on mine.</p> <p>16 Go to the second page of that PDF. 17 There's some communication between you and Mr. Pable 18 and in your communication the second paragraph, I am 19 looking at a portion that says okay. So then I want 20 to look at the documentation and wow. Just wow.</p> <p>21 We have Exhibit 1 in your case against 22 Clever Devices. Do you see that?</p> <p>23 A. I do.</p> <p>24 Q. Explain to me what is so important here,</p>	<p style="text-align: right;">Page 248</p> <p>1 And I grabbed the documentation because 2 I needed to brush up and get my skills back up. And 3 as you might imagine in coming across that date, 4 which is the date in my life that will live in 5 infamy, I see -- it could be purely coincidental, 6 but I don't know. You tell me.</p> <p>7 There's the day that we were let go from 8 CTA is the date of a major revision of documentation 9 from Clever Devices BusTime API.</p> <p>10 Q. Got it. So shifting gears off of this 11 exhibit, based on some of the exhibits we have 12 looked at before and in particular the e-mail to Jim 13 Psomas that I want to say was two weeks, that was 14 about two weeks after the Dayton incident. The date 15 there is not important. There was just the one.</p> <p>16 But my question is with respect to that 17 e-mail and any other communications that you may 18 have had with Jim Psomas, my impression is that as 19 of October 22, 2018 neither you nor Mr. Pable has 20 told Mr. Psomas that one or more CTA employees 21 penetrated the Dayton RTA's BusTime system, is that 22 right?</p> <p>23 A. To the extent there was an e-mail on 24 August 31, it's stated that we found the</p>
<p style="text-align: right;">Page 247</p> <p>1 what is so critical about this document?</p> <p>2 A. So a publicly available document at the 3 Fairfax County Connector, a client of Clever 4 Devices, has a developer API guide version 3.0.</p> <p>5 And I believe further down is that -- 6 there it is. Somewhere in there I remember coming 7 across this as part of my normal course of duties in 8 my current job, and I saw that the date of the last 9 update of the documentation was coincidentally the 10 same day that we were summarily or placed on paid 11 administrative leave.</p> <p>12 I mean looking at your attachment, which 13 is lengthy. If you go to, it looks like there's two 14 copies of the BusTracker API documentation, which 15 are those two links there. If you go to bates 16 number POO1538, you will see that the BusTime 17 developer API version three guide, revision 3.8 was 18 released October 22, 2018.</p> <p>19 That is from a publicly available 20 document on the Fairfax County Connector site for 21 API work. And I was, as part of my current job, 22 working with Fairfax County Connector, and I had 23 been given an API key for valid authorized access to 24 the Fairfax County system.</p>	<p style="text-align: right;">Page 249</p> <p>1 vulnerability. We tested it against various 2 properties.</p> <p>3 Specifically in that e-mail, which as 4 was discussed earlier was written by Chris, copied 5 by me and sent to Mr. Psomas, we indicate that we 6 did touch the Dayton system in that e-mail and 7 identified the security issue, notified Clever, and 8 it has been patched. We're now following up with 9 Mr. Psomas, and I believe we have confirmation. And 10 Mr. Psomas replied thanks, seeking no additional 11 information.</p> <p>12 Q. Right. So that e-mail, that's the 13 entirety of the communication to Mr. Psomas prior to 14 October 22, 2018 about the Dayton incident, right?</p> <p>15 A. Correct. He expressed no further 16 interest.</p> <p>17 Q. We have established, I believe, during the 18 course of this deposition that you are not a lawyer, 19 but as someone who works in the field you do, my 20 question is whether, as you understand it, entering 21 another government agency's computer network without 22 permission, might that be a violation of the law?</p> <p>23 A. I don't know the law. I don't know that 24 accessing a publicly facing web address that is just</p>

<p style="text-align: right;">Page 250</p> <p>1 out on the web is -- nothing was raised.</p> <p>2 I did specifically mention that I asked</p> <p>3 in my termination interview, am I accused of any</p> <p>4 wrongdoing, and I was told no. So without knowing</p> <p>5 the intricacies of the law, a benign check of a</p> <p>6 vulnerability with subsequent follow-up of said</p> <p>7 vulnerability, I don't know. I don't know the law</p> <p>8 in that regard.</p> <p>9 Q. I want to go back to your testimony about</p> <p>10 CTA Exhibit 13. Let me know when you've got that</p> <p>11 one up.</p> <p>12 A. Yes, sir, I have it.</p> <p>13 Q. During your testimony on the exhibit you</p> <p>14 said something along the lines of you wanted to have</p> <p>15 this in terms of having records for defense.</p> <p>16 I just want to touch on that a bit.</p> <p>17 Were you contemplating defense against litigation</p> <p>18 brought by the Dayton RTA?</p> <p>19 A. To the best of my knowledge, that was the</p> <p>20 only potential litigation that I was aware of.</p> <p>21 Again, this is hours after both Mr. Pable and I were</p> <p>22 placed on paid administrative leave with no</p> <p>23 indication as to why.</p> <p>24 And the only logical why was the so</p>	<p style="text-align: right;">Page 252</p> <p>1 in November of 2018 was a farce or a show.</p> <p>2 And I don't want you to repeat anything</p> <p>3 you already said. In fact, I want to avoid exactly</p> <p>4 that. So my question is with respect to that</p> <p>5 testimony that the interrogation was a farce or a</p> <p>6 show, do you have any other basis for that statement</p> <p>7 beyond what you have already testified to here</p> <p>8 today?</p> <p>9 A. I believe at some point Mr. Pable told me</p> <p>10 that he heard from one of the security folks that he</p> <p>11 saw on the train after the fact that they were on</p> <p>12 standby that day to walk us out or particularly to</p> <p>13 walk me out, indicating that it was already a</p> <p>14 foregone conclusion that that was to be my last day</p> <p>15 of employment with the CTA.</p> <p>16 And putting that with the aforementioned</p> <p>17 way that the conversation with, and the fact they</p> <p>18 came with only two letters terminate or resign tells</p> <p>19 me there was no intention of maintaining a</p> <p>20 relationship between Mr. Haynes and the Chicago</p> <p>21 Transit Authority.</p> <p>22 Q. You also testified you weren't allowed to</p> <p>23 tell your side of the story to the CTA. I'm curious</p> <p>24 what's your side of the story in that regard?</p>
<p style="text-align: right;">Page 251</p> <p>1 called Dayton incident. So all I did was take an</p> <p>2 e-mail that I had forwarded from my personal e-mail</p> <p>3 to my wife, and I forwarded that to Mr. Pable and</p> <p>4 Mr. Silvestri because at the time I was conversing</p> <p>5 with Mr. Silvestri as a professional colleague as to</p> <p>6 why I was being placed on paid administrative leave.</p> <p>7 I subsequently dropped that</p> <p>8 communication with Mr. Silvestri.</p> <p>9 Q. So am I correct that you contemplated the</p> <p>10 possibility that Dayton RTA would sue the CTA over</p> <p>11 the use of the skeleton key on the Dayton RTA?</p> <p>12 A. Sure. To the best of my knowledge, that</p> <p>13 was the only potential grounds that I had seen.</p> <p>14 Nowhere -- the only time I ever saw the</p> <p>15 word legal action with the word legal in it in any</p> <p>16 of its grammatical forms related to this was that</p> <p>17 e-mail from Mr. Tim Harrington.</p> <p>18 I never saw anything from Clever Devices</p> <p>19 regarding anything legal. So I was merely</p> <p>20 forwarding that to my compatriot as sort of maybe</p> <p>21 this is what it is, what this is all about.</p> <p>22 Q. You testified -- and this is not with</p> <p>23 respect to Exhibit 13, but you testified that the</p> <p>24 interrogation of you by Mr. Psomas and Mr. Radojcic</p>	<p style="text-align: right;">Page 253</p> <p>1 A. I don't know if that is exactly how I put</p> <p>2 it. I indicated that I answered all of their</p> <p>3 questions.</p> <p>4 And to the extent that their questions</p> <p>5 asked what I knew, but it's not like there was --</p> <p>6 it's not like Clever Devices was there, and CTA was</p> <p>7 there and everybody was trying to get to the bottom</p> <p>8 of what happened. It was Chris interviewed</p> <p>9 separately. Haynes interviewed separately. Haynes</p> <p>10 terminated.</p> <p>11 If it were truly to get at my side and</p> <p>12 my full interpretation and a full discussion, it</p> <p>13 would be with all parties involved discussing and</p> <p>14 hashing out exactly what happened.</p> <p>15 Q. Is there some part of the story, some part</p> <p>16 of your account of events that you were not given</p> <p>17 the opportunity to tell the CTA that you believe</p> <p>18 might have changed the outcome?</p> <p>19 A. No. I believe that whatever they asked</p> <p>20 and whatever I answered, was all that was going to</p> <p>21 be said on the matter.</p> <p>22 And in a 45 minute conversation of</p> <p>23 futility to make it appear as if they were</p> <p>24 interested in my side, they conducted that so that I</p>

<p style="text-align: right;">Page 254</p> <p>1 felt better, and they let me go. But they had 2 already known they were going to let me go before I 3 walked in that door. 4 Q. Do you believe there's something that the 5 CTA didn't know about the situation that would have 6 had an effect on your continued employment? 7 And when I say the situation, I mean the 8 Dayton incident. 9 A. They were not interested in anything -- 10 there is nothing that I know that would have changed 11 their mind. 12 I was going to be terminated the minute 13 they put me on paid administrative leave. That two 14 weeks was just a holding pattern so they could get 15 their stories straight, and they could ask some 16 questions and terminate me. The only question I 17 asked in this that I recall was am I accused of 18 wrongdoing. No. 19 Q. So you just described how the CTA spent 20 the two weeks of your paid administrative leave. Is 21 that just your speculation or do you have some 22 specific knowledge as to what the CTA was doing? 23 A. They didn't reach out to me at all for any 24 information regarding any of this. They didn't ask</p>	<p style="text-align: right;">Page 256</p> <p>1 are inaccurate? 2 A. I don't have that letter in front of me. 3 I believe I read it once almost a year ago or more. 4 I really can't comment on a letter that was never 5 officially provided to me. 6 Q. Fair enough. Do you feel the need to 7 change or clarify any of the deposition testimony 8 you've given so far today? 9 A. No. 10 MR. JADOS: That is all I have. 11 CROSS-EXAMINATION 12 BY MR. DUFFY: 13 Q. Good afternoon, Mr. Haynes. As you know, 14 I am Tim Duffy. Just a few more questions and 15 hopefully we could cut you loose here. 16 I think you alluded to the fact earlier 17 that you could have chosen not to report or you 18 and/or Mr. Pable could have chosen not to report the 19 existence of the skeleton key to anybody, right? 20 A. Correct. 21 Q. Or you could have even done the Dayton 22 test and not told anyone that it had been done, 23 right? 24 A. Correct.</p>
<p style="text-align: right;">Page 255</p> <p>1 me to preserve my phones or my text messages. By 2 phone, I mean singular or conversations or anything 3 related to the matter. 4 They placed me on a paid administrative 5 leave. The following week they summoned me for a 6 Friday meeting, and they discharged me. That's the 7 extent of the internal investigation that I am aware 8 of. 9 Q. Got it. So nothing else that you are 10 aware of in terms of how the CTA spent those two 11 weeks, right? 12 A. Correct. 13 Q. Again, this is another one of these 14 questions where I don't want you to repeat your 15 testimony, and I want to specifically avoid that. 16 But with that in mind my question is 17 whether there's anything else that you know about 18 and if not already mentioned in your deposition 19 today that Clever Devices did to cause your or 20 Mr. Pable's separation from employment with the CTA? 21 A. Other than this letter that was written to 22 Mr. Carter, I am not aware of anything. 23 Q. Have you formed any belief as to whether 24 any of the contentions in that Clever Devices letter</p>	<p style="text-align: right;">Page 257</p> <p>1 Q. To your knowledge, was there any way that 2 if you hadn't told anyone they would have figured 3 out that someone at CTA had put that alert up or 4 caused that tweet to issue? 5 A. To my knowledge they could have looked at 6 their server logs. I think it's a patchy Tomcat 7 server log, and identify that somebody from this 8 particular IP address and figure out that that 9 particular IP address maps back to CTA. 10 They would have to sort of have a 11 suspicion. I don't know how long logs of that sort 12 typically last. So that sort of thing would have to 13 be investigated fairly quickly. 14 Q. And do you think that there were other 15 ways even if you knew or suspected what the key 16 would have done, you could have told Clever Devices 17 about the key, without talking about the Dayton test 18 or any of the other tests that were done on the 19 other systems? 20 A. Yes. Looking back I could have sent a 21 very different e-mail on that Monday morning and 22 calmly and coolly and without any detail I could have 23 told Clever that we found this key that is an open 24 key that does things that it shouldn't. I could</p>

<p style="text-align: right;">Page 258</p> <p>1 have done that on that Monday morning, never told 2 Dayton, never told anybody else.</p> <p>3 I think it's apparent that Clever would 4 have done absolutely nothing with that. They most 5 likely speculative would not have fixed it, would 6 already have been identified of a security risk with 7 the BusTime service bulletin API that they had been 8 informed of an issue in early June and did nothing. 9 So yes, I could have e-mailed them a completely 10 different way.</p> <p>11 Q. But you didn't do those things and, in 12 fact, you basically told Dayton and you told Clever 13 everything that happened, right?</p> <p>14 A. In exquisite detail.</p> <p>15 Q. Did you feel you were withholding 16 information from either Clever or Dayton in any way 17 to help get this problem addressed?</p> <p>18 A. I think a three page e-mail isn't 19 withholding anything.</p> <p>20 Q. And you were asked some questions by 21 Mr. Jados about what you specifically described, how 22 Mr. Pable found the key.</p> <p>23 In response to the e-mail or in the 24 followup conversations you had with them in that</p>	<p style="text-align: right;">Page 260</p> <p>1 Wire Shark logs and said, you know, Chris did not 2 show me the Wire Shark log.</p> <p>3 I took him at his word. I believed him 4 and that it was in plain text in the Wire Shark 5 trace.</p> <p>6 Q. When you think about it, if anybody should 7 have known where the key was or what it was being 8 used for, it wasn't you or Mr. Pable. It was Clever 9 Devices, right?</p> <p>10 A. Correct.</p> <p>11 Q. There's been one of the allegations in the 12 case, in fact, it's in the letter. One of the 13 allegations in the case is that Mr. Pable improperly 14 accessed Clever Devices' source code.</p> <p>15 Are you aware of him ever doing that?</p> <p>16 A. No. We certainly worked closely with 17 Clever, particularly the Clever CAD system. Chris 18 did not work directly on any source code of Clever 19 Devices' systems.</p> <p>20 To the extent that he listened to 21 traffic between systems, and we worked on databases 22 and looked at the back end databases to which the 23 CTA had full rights to the back end databases and 24 built all kinds of reporting off of that.</p>
<p style="text-align: right;">Page 259</p> <p>1 week, did they ask more specifically how the key had 2 been found?</p> <p>3 A. They had a conversation with us I believe 4 on Tuesday afternoon of that week. So the Monday 5 was the e-mails -- Friday was the text. Monday was 6 the e-mails.</p> <p>7 I believe it was a Tuesday meeting with 8 Christos. It might have been Wednesday. Don't 9 quote me. And they basically admonished us for 10 doing things with very little interest in how 11 exposed or the key was in plain text sitting there 12 in a Wire Shark trace.</p> <p>13 Q. Did they evidence any curiosity about that 14 or ask you guys to send more information or to 15 demonstrate or anything of that sort?</p> <p>16 A. There was no interest in appreciation for 17 finding a problem or interest in how did one find 18 our key that is supposed to be kept secret. There 19 was no interest.</p> <p>20 Q. Any reason you could think of why you 21 would not have provided whatever information they 22 asked for?</p> <p>23 A. Anything that they asked for, the Wire 24 Shark logs, we would have immediately sent them the</p>	<p style="text-align: right;">Page 261</p> <p>1 Another one of my staff members, we did 2 look at the back end of the bus of the Clever CAD 3 incident manager system and cleaned up some 4 templates to make the navigation of the BusTime CAD 5 incident manager system more user friendly. Those 6 issues were all documented for Clever Devices in 7 their action tracker where we were then waiting for 8 Clever to sort of put our fixes into their release.</p> <p>9 Q. And I think when you were describing the 10 skeleton key in the beginning of your deposition, 11 you sort of used the word code in maybe a more 12 general sense.</p> <p>13 The skeleton key as you understand 14 Mr. Pable found wasn't buried in their source code 15 somewhere. It was being used on the network traffic 16 as you said several times, right?</p> <p>17 A. Correct. If I used the word code in any 18 relation to -- and we could let the record state 19 that any time I used the word code in relation to 20 the skeleton key, it's merely a synonym for a 21 complex string of letters and numbers.</p> <p>22 And to the extent that that is a code, 23 not that was found in source code. The varied uses 24 of that word.</p>

<p style="text-align: right;">Page 262</p> <p>1 Q. Could you pull up CTA Exhibit 5 quick. I 2 want to look at the fourth page. It's the one with 3 the green graphic on the top. 4 Do you see in the line that has the red 5 circle drawn on it, I assume that is a circle that 6 somebody drew on the graphic that was put in there, 7 that is an after the fact edit, right? 8 A. Yes. This is in the e-mail I sent to 9 Clever Devices. That is my scribble on top of a 10 Windows screen grab. 11 Q. And are you circling there the evidence 12 that you were able to post this alert that the title 13 of which was Route 17, Keowee Bridge? 14 A. Yes. It looks like as now memory serves 15 we took the word detour off. I know earlier we 16 talked about a period. 17 It looks like in order to test this and 18 show it at its root level with just the title, the 19 word detour was removed. So this is the indication 20 that Route 17 has two alerts at the same time for 21 the same Keowee Bridge, one missing the word detour. 22 The one we posted missed the word detour. 23 Q. So if we were looking at this five minutes 24 earlier, we only see the second half of the line.</p>	<p style="text-align: right;">Page 264</p> <p>1 bridge detour that produced a tweet. The one that 2 Chris constructed and I executed also sent a tweet. 3 Q. There was some discussion about you 4 looking for other employment, and Mr. Pable looking 5 for other employment. 6 Do you recall that one of the things 7 Mr. Pable was considering was trying to move to CTA 8 Rail? 9 A. Yes. He was looking at a position up in 10 the Skokie shops area. And I, of course, didn't 11 want to see him leave my group. But I supported 12 him. 13 If nothing came through with the Jim 14 Psomas, Veronica Alanis right sizing and right 15 paying myself and my staff, he had every opportunity 16 to go to the Skokie shops and work out there. 17 Q. Do you know if he had done that he would 18 have kept his pension status and eligibility? 19 A. Yes, he would have -- it would have been a 20 lateral promotion if he had moved to the Skokie 21 shops operation as a technical source up there. 22 Q. We could look at it if we need to, but do 23 you recall seeing the email that has the paragraph 24 that starts Chris, got your text?</p>
<p style="text-align: right;">Page 263</p> <p>1 And if we look at it five minutes later we would 2 only see the second half of the line, the Keowee 3 Bridge detour. The red circle indicates the 4 temporary alert you put up and then took down, 5 right? 6 A. Correct. And I would state that it was 7 less than five minutes. The two alerts were only 8 active for 60 to 120 seconds. 9 Q. Do you know, and I don't know, so I am not 10 trying to trap you or anything, whether when the 11 first original alert that you copied was issued 12 whether Dayton had the Twitter integration going on 13 so whether there was a tweet when they originally 14 put that particular alert up? 15 A. I don't know for a fact, but it stands to 16 reason that they had the Twitter integration from 17 the beginning of their implementation with 18 BusTracker. 19 And the tweet that went out, a customer 20 or somebody following RTA responded to that tweet 21 with a hey, Dayton, thanks for telling us something 22 we already know. I believe that is in some of the 23 other exhibits. So it is to my knowledge when they 24 first issued the one on the right, Route 17 Keowee</p>	<p style="text-align: right;">Page 265</p> <p>1 A. Yes. 2 Q. And Ms. Babbitt asked you about Signal and 3 all this stuff. I don't think anybody has asked you 4 do you recall at all what that text was? 5 A. My recollection was that that text was 6 something about responsible disclosure. I might be 7 a week off. I know that that seems that that 8 message was -- do you have the date of that message 9 in front of you? 10 Q. Yes. I think it's Exhibit -- I scratched 11 something on of my paper. Now I can't read it. 12 Exhibit 8. Yes, it's Exhibit 8. 13 So the e-mail is Friday, August 24. So 14 it's the following Friday after the Dayton test, 15 1:42 p.m. And you're talking about contacting 16 Mr. Harrington and then you say just got your text, 17 Chris. 18 I am curious if you have any 19 recollection of what the text was? 20 A. I think I thought that that was something 21 related to like August 18, which would have been the 22 day after or the same day the August 17th of the 23 initial test. 24 And I have it in my head that that text</p>

<p style="text-align: right;">Page 266</p> <p>1 is always related to something about responsible 2 disclosure. The fact that this is a week later, I 3 don't know the contents of that text. This is me 4 sitting at work copied and pasted stupidly a message 5 from my work e-mail into my personal e-mail and 6 sending it to my wife and Mr. Pable. So what the 7 text inquired, I don't know.</p> <p>8 Q. Did you recall that Mr. Pable, do you 9 recall him communicating to you more than once about 10 responsible disclosures or sending you examples of 11 responsible disclosure?</p> <p>12 A. I do. So it's possible that there are 13 multiple messages that were exchanged about the 14 concept of responsible disclosure or Wikipedia 15 article I believe at one point, which I think is 16 somewhere in these threads, as well as some articles 17 about sort of the process by which somebody who 18 stumbles upon vulnerability should notify others 19 about that vulnerability.</p> <p>20 Q. Ms. Babbitt asked you a lot of questions 21 about messages that may have disappeared or may have 22 been purged, whatever.</p> <p>23 Is there anything in your mind that is 24 in a message that we could no longer see or don't</p>	<p style="text-align: right;">Page 268</p> <p>1 or contradicted himself?</p> <p>2 A. No. Chris had his phone set up to delete 3 messages within a day or within a week already just 4 because that is how he is and how he was.</p> <p>5 To the extent I deleted messages on that 6 Friday morning before walking into the 7 interrogation, I didn't know what the interrogation 8 was about. Nobody asked me to preserve any 9 information. It was the conclusion of a full two 10 weeks of paid administrative leave. I just wanted 11 to clear my personal chat with a colleague who was 12 also placed on paid administrative leave.</p> <p>13 Q. Do you recall telling Chris you wanted to 14 make a clean break with the CTA?</p> <p>15 A. Not at that moment. I was still hopeful 16 that it was an actual investigation.</p> <p>17 Q. No, I mean afterwards. After you were 18 terminated and to the extent you were deleting 19 contacts and deleting messages and that sort of 20 thing.</p> <p>21 A. Yes. I saw that one text message that I 22 screen shot and sent to Mr. Pable regarding Mr. Lang 23 and wanted nothing to do with that individual 24 persona non grata in the future.</p>
<p style="text-align: right;">Page 267</p> <p>1 see in these documents that is an important part of 2 the story that we are missing?</p> <p>3 A. I mean obviously everybody wants to know 4 what just got your text, Chris is, but that message 5 would have been purged on November 2 at 8:20 a.m. at 6 Starbucks.</p> <p>7 Q. Right. So my question is do you recall 8 whether it's this message or anyone oh, my gosh if 9 we only had the text messages we'd remember or see 10 because there was some dramatic or text message that 11 would tell us something that we don't see through 12 other means or you don't remember?</p> <p>13 A. The e-mails to Clever Devices on the 14 Monday after and Dayton, Ohio on the Monday after 15 really stand on their own.</p> <p>16 And we even found you guys one of the 17 things that I apparently produced this e-mail from 18 Chris to Mr. Schroeder that has an accurate time 19 line of everything that transpired is more than 20 sufficient of the what happened.</p> <p>21 Q. Did you ever think or do you think now 22 that Mr. Pable deleted anything or caused anything 23 to disappear with the intent of hiding it because he 24 had admitted something or admitted some wrongdoing</p>	<p style="text-align: right;">Page 269</p> <p>1 I had dealings with Clever Devices as 2 part of my professional life. I've had no dealings 3 with CTA other than casual conversations with 4 colleagues. So to the extent I've had a clean break 5 with CTA, I've had a clean break with CTA.</p> <p>6 Q. Do you recall mentioning that although you 7 couldn't be 100 percent sure, you thought that the 8 Dayton incident was likely the cause of your being 9 put on leave mostly because it was both you and 10 Mr. Pable, et cetera. Do you remember that?</p> <p>11 Do you recall Mr. Pable having other 12 candidates for reasoning why this might have 13 occurred in your discussions?</p> <p>14 A. No. Mr. Pable was an exemplary employee 15 and would have had no reason to be placed on leave.</p> <p>16 Q. Do you have a recollection that he was 17 concerned that this was motivated because he was 18 going to be taking leave for his surgery?</p> <p>19 A. I don't think that anybody as I mentioned 20 earlier above Mr. Psomas knew of the pending 21 surgery.</p> <p>22 Q. I am not asking you if it's true or not. 23 I'm asking if it was something that Chris had as a 24 theory or as a concern that they might be doing this</p>

<p style="text-align: right;">Page 270</p> <p>1 because of my insurance and the coverage for my 2 surgery, and the fact that I am going to be 3 requesting FMLA leave for my surgery?</p> <p>4 A. He might have.</p> <p>5 Q. How about work with something called the 6 the TSP rocket utility?</p> <p>7 A. We worked on something called the rocket. 8 The rocket was a mobile communications device on 9 board the bus that provided the backbone 10 communication for BusTracker and communications for 11 CAD and others.</p> <p>12 We got the rocket to communicate with a 13 rocket at the mass arm for purposes of the transit 14 signal priority project, which was an initiative run 15 by the Regional Transportation Authority, the RTA. 16 And they wanted open codes so that Pace bus and CTA 17 buses could get to the same intersection. You get 18 the green light.</p> <p>19 And we were instrumental in 20 architecting the logic for that and was able to do 21 that with a very simple device called raspberry pie 22 at a very significant cost savings to the CTA.</p> <p>23 Q. Do you remember Chris being afraid there 24 was some criticism, whether founded or not,</p>	<p style="text-align: right;">Page 272</p> <p>1 reason, and they just simply stated misconduct as 2 their reason for terminating me. They didn't 3 challenge the unemployment context.</p> <p>4 Q. But they never showed you the letter from 5 Clever Devices and said oh, my gosh somebody is 6 accusing you of doing this. Tell me about it. Just 7 explain it to me or give me your side of the story?</p> <p>8 A. No, other than that Friday with 9 resignation and termination letters at the ready.</p> <p>10 Q. I think we saw, we could go back to the 11 chronology. I think we saw in the chronology that 12 you worked on that you said in your interview they 13 asked you the questions and then they left for a 14 short while and came back with the resignation 15 letters.</p> <p>16 Is that what you recall happening or is 17 it something else?</p> <p>18 A. Now that you say that, I do remember being 19 left in the room either by myself or with the HR 20 woman for a few minutes. And then they came back in 21 with the termination letters.</p> <p>22 I do recall that now. And if I had 23 written that down more in the moment, then yes, I do 24 remember them now leaving. And I know I didn't</p>
<p style="text-align: right;">Page 271</p> <p>1 criticism or suspicion about that project at all 2 that could have led to an investigation?</p> <p>3 A. Maybe, again, we used the word hacking, 4 but sort of the hacking of figuring out how this 5 open sourced communication between the rocket and 6 the rocket communications, sure.</p> <p>7 I think there was some thought in our 8 thinking that maybe this whole internal 9 investigation was brought about by the company of 10 the rocket. But they didn't ask any questions about 11 that at the investigation. So no. And that 12 development was all done under the auspices of the 13 Regional Transportation Authority, the RTA.</p> <p>14 Q. I take it from your answer to the 15 questions by Mr. Jados that throughout this whole 16 thing, no one at CTA, Mr. Psomas, Ms. Alanis, 17 Mr. Carter, Mr. Radojcic or anybody just called you 18 up or sat you down and said Mike, what the heck 19 happened here? What's going on. Could you tell me 20 what happened or what did you and Chris do?</p> <p>21 A. Other than the meeting on November 2 to 22 terminate me, there was no communication about that.</p> <p>23 And the only information I had is when I 24 filed for unemployment, they were required to give a</p>	<p style="text-align: right;">Page 273</p> <p>1 state that earlier, but my memory wasn't jogged.</p> <p>2 Q. That's fine. And I know you said you 3 couldn't remember, but I will ask you to think 4 because it's potentially important.</p> <p>5 If you were alone or if Ms. Marosevich, 6 her name is in that entry too, also left with them?</p> <p>7 A. I don't know if she left at that same 8 time, and I was in the room by myself. I believe 9 she was still there.</p> <p>10 I believe she sat there with me and 11 didn't say anything, like I said, she didn't say 12 anything the whole time, and I think I just sat 13 there for whatever duration that Radojcic and Psomas 14 left the room.</p> <p>15 Q. Well, to the extent the interview was -- 16 to the extent it was a question mark what they were 17 going to do at the start of the interview and maybe 18 it wasn't. But if it were, or if it had been a 19 question mark at the beginning of the interview, 20 presumably this exit was for them to decide and 21 decide to pull the trigger so to speak or did you 22 have that sense?</p> <p>23 A. I had the sense that they were leaving the 24 room to discuss my responses to their questions.</p>

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<p>1 And they were going to come back with a 2 determination or a discussion or further, and they 3 came back with the folder and handed me the options 4 to resign or terminate.</p> <p>5 Q. But as far as you can recall right now 6 it's to the best of your recollection that 7 Ms. Marosevich would not have been part of that 8 discussion?</p> <p>9 A. I don't believe she was. I believe she 10 stayed with me in the room. There was no other 11 person or nobody reporting. In hindsight, I wish I 12 wrote everything down and kept it as a record.</p> <p>13 Q. Did anybody ever tell you that she thought 14 you shouldn't be fired?</p> <p>15 A. No.</p> <p>16 Q. Did anybody ask you what you thought 17 should be done with regard to Chris?</p> <p>18 A. No. I was already gone.</p> <p>19 Q. Sorry?</p> <p>20 A. They had already terminated me on that 21 Friday. And they were bringing Chris back the next 22 week.</p> <p>23 Q. So at the time of your interview Chris had 24 not yet been terminated. So my question was during</p>	<p>1 how the skeleton key had been found or how the 2 Dayton test had been conducted or who was sitting 3 where, to recreate it or anything of that nature?</p> <p>4 A. No. There was no interest in us showing 5 what was done from a technical perspective in any 6 way whatsoever.</p> <p>7 Q. Did you ever get the sense that the CTA 8 was defending you or Mr. Pable as CTA employees 9 against allegations by Clever?</p> <p>10 A. Clearly, the CTA did not have any interest 11 in defending myself or Mr. Pable to the response to 12 the Clever Devices letter.</p> <p>13 Q. Throughout this whole incident that we've 14 been discussing, was it ever your intention to cause 15 any harm to any transit system, whether CTA or 16 anyone else's?</p> <p>17 A. Never.</p> <p>18 Q. In your view, were you always working to 19 to what you -- strike that.</p> <p>20 Were you in your mind always working to 21 the best of your ability in furtherance of the 22 interests of the CTA?</p> <p>23 A. Not only in furtherance of the CTA, but 24 the riding public and the taxpayer dollars that fund</p>
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<p>1 your interview did they say well, Mike, 2 unfortunately we're going to have to let you go or 3 before they even get to that in your interview at 4 all did they say what do you think we should do with 5 Mr. Pable, what responsibility do you think he did 6 anything wrong, any questions like that?</p> <p>7 A. No. They certainly didn't ask me if I 8 thought Mr. Pable should be terminated. I certainly 9 would have remembered that question.</p> <p>10 Q. Right. Obviously, you have admitted here 11 today and you admitted in the e-mails in hindsight 12 that deciding to conduct the Dayton test was a 13 mistake.</p> <p>14 Did you have a view at the time or do 15 you have the view now that it was a mistake for 16 which you should have been fired or forced to 17 resign?</p> <p>18 A. I don't believe it was a mistake that I 19 should have been fired or forced to resign. I think 20 an honest discussion, a hand slap, a reprimand. As 21 I mentioned I was already looking for another job.</p> <p>22 Q. To the best of your knowledge, did anyone 23 at the CTA ever ask either you or Mr. Pable to show 24 them either how this API had been found originally,</p>	<p>1 the CTA.</p> <p>2 Q. Did anyone ever explain to you or 3 demonstrate to you any harm arising from either the 4 Dayton test or any of these other tests beyond what 5 we have seen, the issuance of the tweet and maybe a 6 comment by one follower?</p> <p>7 A. No, other than Clever expressing that they 8 felt embarrassed and had to issue the fix.</p> <p>9 MR. DUFFY: That is all I have.</p> <p>10 MS. BABBITT: Nothing else from the CTA.</p> <p>11 MR. JADOS: Nothing else from Clever.</p> <p>12 THE VIDEOGRAPHER: This concludes today's 13 testimony of Michael Haynes. The time on the 14 monitor 5:32 p.m. We are off the record.</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>

<p>1 STATE OF ILLINOIS) 2) ss: 3 COUNTY OF C O O K) 4 5 I, VICTORIA D. ROCKS, C.S.R., Notary 6 Public, within and for the County of Cook, State of 7 Illinois, a Certified Shorthand Reporter of said 8 state, do hereby certify: 9 That previous the commencement of the 10 examination of the witness, MICHAEL HAYNES, was 11 first duly sworn to testify to the whole truth 12 concerning the matters herein; 13 That the foregoing deposition 14 transcript was reported stenographically by me and 15 was thereafter reduced to typewriting via 16 computer-aided transcription under my personal 17 direction, and constitutes a true record of the 18 testimony given and the proceedings had; 19 That the said deposition was taken 20 before me at the time and place specified; 21 That the reading and signing by the 22 witness of the deposition transcript was not waived; 23 That I am not a relative or employee of 24 attorney or counsel, nor a relative or employee of</p>	<p>Page 278</p> <p>1 Veritext Legal Solutions 1100 Superior Ave 2 Suite 1820 3 Cleveland, Ohio 44114 4 Phone: 216-523-1313 5 March 18, 2021 6 To: STEVEN LADUZINSKY 7 Case Name: Pable, Christopher George v. Chicago Transit Authority, Et 8 Al. 9 Veritext Reference Number: 4486556 10 Witness: Michael Haynes Deposition Date: 3/16/2021 10 Dear Sir/Madam: 11 Enclosed please find a deposition transcript. Please have the witness 12 review the transcript and note any changes or corrections on the 13 included errata sheet, indicating the page, line number, change, and 14 the reason for the change. Have the witness' signature notarized and 15 forward the completed page(s) back to us at the Production address 16 shown 17 above, or email to production-midwest@veritext.com. 18 If the errata is not returned within thirty days of your receipt of 19 this letter, the reading and signing will be deemed waived. 21 Sincerely, 22 Production Department 23 NO NOTARY REQUIRED IN CA</p>
<p>1 such attorney or counsel for any of the parties 2 hereto, nor interested directly or indirectly in the 3 outcome of this action. 4 IN WITNESS WHEREOF, I do hereunto set 5 my hand and affix my seal of office at Chicago, 6 Illinois this 18th day of March, 2021.</p> <p>7 8 <u>Victoria Rocks</u> 9 VICTORIA D. ROCKS, C.S.R. 10 License No. 084-002692 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>	<p>Page 279</p> <p>1 DEPOSITION REVIEW CERTIFICATION OF WITNESS 2 ASSIGNMENT REFERENCE NO: 4486556 3 Pable, Christopher George v. Chicago Transit Authority, Et Al. DATE OF DEPOSITION: 3/16/2021 4 WITNESS' NAME: Michael Haynes 5 In accordance with the Rules of Civil Procedure, I have read the entire transcript of 6 my testimony or it has been read to me. 7 I have made no changes to the testimony as transcribed by the court reporter. 8 9 Date Michael Haynes 10 Sworn to and subscribed before me, a Notary Public in and for the State and County, 11 the referenced witness did personally appear and acknowledge that: 12 They have read the transcript; 13 They signed the foregoing Sworn Statement; and 14 Their execution of this Statement is of their free act and deed. 15 I have affixed my name and official seal 16 this _____ day of _____, 20_____. 17 18 Notary Public 19 Commission Expiration Date 20 21 22 23 24 25</p>

<p style="text-align: right;">Page 282</p> <p>1 DEPOSITION REVIEW CERTIFICATION OF WITNESS</p> <p>2 ASSIGNMENT REFERENCE NO: 4486556</p> <p>3 Pable, Christopher George v. Chicago Transit Authority, Et Al. DATE OF DEPOSITION: 3/16/2021</p> <p>4 WITNESS' NAME: Michael Haynes</p> <p>5 In accordance with the Rules of Civil Procedure, I have read the entire transcript of my testimony or it has been read to me.</p> <p>7 I have listed my changes on the attached Errata Sheet, listing page and line numbers as well as the reason(s) for the change(s).</p> <p>9 I request that these changes be entered as part of the record of my testimony.</p> <p>10 I have executed the Errata Sheet, as well 11 as this Certificate, and request and authorize that both be appended to the transcript of my 12 testimony and be incorporated therein.</p> <p>13 _____ Date Michael Haynes</p> <p>14 Sworn to and subscribed before me, a 15 Notary Public in and for the State and County, the referenced witness did personally appear 16 and acknowledge that:</p> <p>17 They have read the transcript; They have listed all of their corrections 18 in the appended Errata Sheet; They signed the foregoing Sworn 19 Statement; and Their execution of this Statement is of 20 their free act and deed.</p> <p>21 I have affixed my name and official seal 22 this _____ day of _____, 20_____. 23 _____ Notary Public</p> <p>24 _____</p> <p>25 Commission Expiration Date</p>	<p style="text-align: right;">Page 283</p> <p>1 ERRATA SHEET VERITEXT LEGAL SOLUTIONS MIDWEST</p> <p>2 ASSIGNMENT NO: 4486556</p> <p>3 PAGE/LINE(S) / CHANGE /REASON</p> <p>4 _____ 5 _____ 6 _____ 7 _____ 8 _____ 9 _____ 10 _____ 11 _____ 12 _____ 13 _____ 14 _____ 15 _____ 16 _____ 17 _____ 18 _____ 19 _____</p> <p>20 Date Michael Haynes 21 SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ 22 DAY OF _____, 20_____. 23 _____ Notary Public</p> <p>24 _____</p> <p>25 Commission Expiration Date</p>
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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

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